

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

February 7, 2005

**CALL TO PODIUM:**

**Community Planning Director  
Schwarz**

**RESPONSIBLE STAFF:**

**Trudy Schwarz, Community  
Planning Director  
Patricia Patula, Planner  
Planning & Code Administration**

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution, Introduction of
	Policy Discussion
	Work Session Discussion Item
	Other

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	11/15/2005
Advertised	12/15/2004
	12/22/2004
	12/29/2004
	01/05/2005
	01/12/2005
	01/19/2005
Hearing Date	02/07/2005
Record Held Open	
Policy Discussion	

**TITLE:**

**X-181 - Public Hearing** - Application to annex 16.2903 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200/TDR-5 (Low-Density Residential) Zone in Montgomery County to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg.

**SUPPORTING BACKGROUND:**

The applicants, Lorraine Crown, Charles O. Crown, and Catherine V. Stinson and the contract purchaser, North Gaithersburg Investment, LLC, are petitioning the City to annex 16.2903 acres of their property which are part of the over all Crown Farm located east of Sam Eig Highway. Parcel P458 consists of 7.07 acres and P619 of 6.11 acres. Additional acreage is within public rights of way. The acreage is located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The annexation petition requests rezoning of the property that is presently zoned R-200 (Residential-One Family) with a TDR-5 (Transfer of Development Rights) to the City's RP-T (Medium Density Residential) Zone. The application is proposing to have a total of 80 units.

The Planning Commission's public hearing was December 1, 2004. A staff analysis (Exhibit #104) was prepared and presented to the Planning Commission on January 19, 2005. The Planning Commission forwarded their recommendation to the Mayor and City Council (Exhibit #109). Exhibits #1-#109 were forwarded to the Mayor and City Council on January 24, 2005 in a separate package.

The M-NCPPC Montgomery County Planning Board will review this plan at their February 17, 2005 meeting. Most likely this application will be referred to the Montgomery County Council.

*Attachments:*

*Index of Memorandum & Exhibit #110*

**DESIRED OUTCOME:**

**Leave record open indefinitely.**

INDEX OF MEMORANDA  
X-181 - CROWN FARM POINT ANNEXATION  
16.2903 ACRES  
(North Gaithersburg Investment, LLC)

No.

- 1) Application for Annexation filed November 5, 2004 (also marked as "Attachment 1" [as referred to in letter from Barbara Sears of Linowes and Blocher dated 11/05/04])
- 2) Letter (3-pages) to Mayor and City Council from Barbara A. Sears (Linowes and Blocher), dated November 5, 2004
- 3) Typed Petition for Annexation (2 pages of text and 3 pages of Notary Certification) Before the Mayor and City Council (also marked as "Attachment 2" [as referred to in letter from Barbara Sears of Linowes and Blocher dated 11/05/04])
- 4) Metes and Bounds Description Property of James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson, Liber 10251 at Folio 266 (4 pages document) as prepared by Patton Harris Rust & Associates, dated October 8, 2004 (also marked as Exhibit "A" [as referred to in Petition for Annexation Before the Mayor & City Council ---"Attachment 2"])
- 5) Site Plan Drawings (total of 8 sheets) as prepared by Patton Harris Rust & Associates, dated November 4, 2004 to include: Sheet 1 of 4 entitled, *Cover Sheet*; Sheet 2 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 3 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 4 of 4 entitled, *Detail Sheet*; Sheet 1 of 2 entitled, *Conceptual Landscape Plan*; Sheet 2 of 2 entitled, *Conceptual Landscape Plan*; Sheet 1 of 2 entitled, *Preliminary Forest Conservation Plan*; Sheet 2 of 2 entitled, *Preliminary Forest Conservation Plan* (also marked as Exhibit "B" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])
- 6) Copy of Tax Map FS342, with property outlined (also marked as Exhibit "c" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])

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- 7) Certified copy of Montgomery County Zoning Map (b&w) as prepared by the Maryland National Capitol Park and Planning Commission/Montgomery County Planning Department (to include adopted zoning updates thru 06/11/96), signed by M-NCPP representative and dated September 24, 2004 (also marked as Exhibit "D" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])
- 8) Property Boundary Survey as prepared by Patton Harris Rust & Associates, dated October 8, 2004 of Liber 10251, Folio 266 (also marked as Exhibit "E" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])
- 9) Complete List of Property Owners (1-page, undated) 266 (also marked as "Attachment 3" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 10) Metes and Bounds Description Property of James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson, Liber 10251 at Folio 266 (4 pages document) as prepared by Patton Harris Rust & Associates, dated October 8, 2004 (also marked as "Attachment 4" [as referred to in letter from Barbara Sears of Linowes and Blocher , dated November 5, 2004])
- 11) Property Boundary Survey as prepared by Patton Harris Rust & Associates, dated October 8, 2004 of Liber 10251, Folio 266 (also marked as "Attachment 5" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 12) Site Vicinity Map (8-1/2" x 11" single page) (also marked as "Attachment 6" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 13) List of Adjoining and Confronting Property Owners (4 pages), dated November 5, 2004 (also marked as "Attachment 7" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 14) Crown Farm Petition for Annexation—General Background Information on the Property (2 pages), as prepared by Patton Harris Rust & Associates, dated October 14, 2004 (also marked as "Attachment 8" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])

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- 15) Site Plan Drawings (total of 8 sheets) as prepared by Patton Harris Rust & Associates, dated November 4, 2004 to include: Sheet 1 of 4 entitled, *Cover Sheet*; Sheet 2 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 3 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 4 of 4 entitled, *Detail Sheet*; Sheet 1 of 2 entitled, *Conceptual Landscape Plan*; Sheet 2 of 2 entitled, *Conceptual Landscape Plan*; Sheet 1 of 2 entitled, *Preliminary Forest Conservation Plan*; Sheet 2 of 2 entitled, *Preliminary Forest Conservation Plan* (also marked as "Attachment 9" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 16) Site Plan Drawing (total of 1 sheet) as prepared by Patton Harris Rust & Associates, dated October 14, 2004: Sheet 1 of 1 entitled, *Natural Resource Inventory/Forest Stand Delineation* (also marked as "Attachment 10" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 17) Cover Sheet for Mayor and Council Meeting date of November 15, 2004, as Prepared by Trudy Schwarz, Community Planning Director, (with related Attachments)
- 18) Sediment Control and Stormwater Management Application, as filed on November 15, 2004
- 19) Transmittal of "1 Set of Site Plans" to City's Department of Public Works, Parks Maintenance & Engineering from Trudy Schwarz, Community Planning Director, dated November 12, 2004
- 20) Transmittal of "1 Site Plan" to Jeffrey Riese from Trudy Schwarz, Community Planning Director, dated November 16, 2004
- 21) Outline of Public Facilities – X181
- 22) Letter, dated November 18, 2004, requesting publication of the Notice of Public Hearing of X-181 for the Planning Commission in the November 17, 2004 issue of the *Gaithersburg Gazette* and attached e-mail and fax confirmation sheet
- 23) Letter, dated November 18, 2004, requesting publication of the Notice of Public Hearing of X-181 for the Mayor and City Council in the December 15, 22, and 29, 2004 and January 5, 2005 issues of the *Gaithersburg Gazette* and attached fax confirmation sheet

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- 24) Notice of Planning Commission December 1, 2004 Public Hearing as sent November 17, 2004
- 25) Notice of Mayor and City Council February 7, 2005 Public Hearing as sent November 17, 2004
- 26) List of property owners notified for both hearings
- 27) Certified copy of the Notice of Planning Commission Public Hearing as it appeared in the November 17, 2004 issue of the *Gaithersburg Gazette*
- 28) Copy of Email (2-page document) to [plancode@gaithersburgmd.gov](mailto:plancode@gaithersburgmd.gov) (salutation reads "Dear Commission Members") from Stephen A. Morton, III, regarding Crown Farm – Hearing 1 Dec. 2004, dated November 24, 2004
- 29) Revised Site Plan (1-page document) entitled, "*Cover Sheet, Crown Farm*," as prepared by Patton Harris Rust & Associates, PC, as received by City planning staff on November 29, 2004, listing a drawn of November 4, 2004
- 30) Letter (2-page document) to "Members" (undated---but stamped as received by Planning & Code Administration on November 30, 2004) regarding "Annexation of land parcels P-458 & P-619 File #X181 Locations: Sam Eig Highway & Diamondback Drive"
- 31) Letter (1-page document) to "Gaithersburg Mayor and City Council" from Ali Tahriri and Farzaneh Vassef, dated November 29, 2004
- 32) Letter (1-page document) to "Montgomery County Planning Board" from Ali Tahriri and Farzaneh Vassef, dated November 29, 2004
- 33) Copy of Email (1-page document) to [plancode@gaithersburgmd.gov](mailto:plancode@gaithersburgmd.gov) from Jim Michalowski, regarding "Annexation of Two Posted Crown Family Properties— Corner of Sam Eig & Diamondback," dated December 1, 2004

- 34) Copy of Email (3-page document) to [plancode@gaitHERsburgmd.gov](mailto:plancode@gaitHERsburgmd.gov) and [cityhall@gaitHERsburgmd.gov](mailto:cityhall@gaitHERsburgmd.gov) (salutation reads "To the Attention of: The City of Gaithersburg – Planning Commission, The City of Gaithersburg – Mayor and City Council, Mr. Derick Berlage, Chairman, Montgomery County Planning Board, and The Montgomery County Council (lists individual Council names) from Mark Hackman, regarding Annexation X-181 Crown Farm Point," dated December 1, 2004
- 35) Appendix A of the *1990 Gaithersburg Vicinity Master Plan Shady Grove Study Area*, Intersection Analysis

Record Received by Planning Commission as of the December 1, 2004 Hearing

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- 36) *1997 City of Gaithersburg Neighborhood Three land Use Plan*
- 37) *1997 City of Gaithersburg Housing Policy*
- 38) *1997 City of Gaithersburg Transportation Plan*
- 39) Portions of the *July 1990 Gaithersburg Vicinity Master Plan Amendment Stage III Shady Grove Study Area*
- 40) Quince Orchard Cluster information
- 41) Natural Resource Inventory and Forest Stand Delineation Application received December 1, 2004
- 42) Copy of Application fee check
- 43) Letter to Erica Shingara, dated November 30, 2004, from Nat Ballard, PHR&A, transmitting NRI Application
- 44) Letter to Paul Peditto, dated November 29, 2004, from Nat Ballard, PHR&A re: Rare and Threatened Species
- 45) Natural Resource Inventory / Forest Stand Delineation Crown Farm Plan
- 46) E-mail from Karen Mcelyea, received December 5, 2004, re: X-181
- 47) Letter (8 pages) to Planning Commission, from Barbara Sears of Linowes and Blocher, dated December 10, 2004

- 48) Revised Concept/Preliminary Plan (8 pages) , prepared by Patton, Harris, Rust & Associates, received December 10, 2004 (also marked as Attachment “A” [as referred to in a letter from Barbara Sears of Linowes and Blocher dated December 10, 2004] )
- 49) Land Use Analysis, prepared by Patricia Monday of Patton, Harris, Rust & Associates received December 10, 2004 (also marked as Attachment “B” [as referred to in a letter from Barbara Sears of Linowes and Blocher dated December 10, 2004]
- 50) Resume of Patricia Monday, dated and received December 10, 2004 (also marked as Attachment “C” [as referred to in a letter from Barbara Sears dated 12-10-1004] )
- 51) Surrounding Area Density Comparison Aerial Photograph prepared by Patton, Harris, Rust & Associates and received December 10, 2004 (marked Attachment D [letter from Barbara Sears dated 12-10-2004] )
- 52) Density Study Comparison Chart prepared by Patten, Harris, Rust & Associates received December 10, 2004 (marked as Attachment “E” [letter from Barbara Sears dated 12-10-2004] )
- 53) Pedestrian Circulation Plan and Site and Surrounding Area Photographs, taken on December 3, 2005 by Patton, Harris, Rust & Associates ( marked as Attachment “F” [in letter from Barbara Sears dated 12-10-2004] )
- 54) Illustrative Elevations (two photo boards and one rendered (as Attachment “G” [in letter from Barbara Sears dated 12-10-2004] )
- 55) Site Earthwork Estimates, prepared by Patton, Harris, Rust & Associates (Attachment “H” [in letter from Barbara Sears dated 12-10-2004] )
- 56) Statement addressing how the Crown Farm Project is consistent with the 2003 City of Gaithersburg Master Plan (excerpt from letter of Barbara Sears dated 12-10-2004)
- 57) Traffic Impact Analysis, prepared by The Traffic Group (Attachment “I” [in letter from Barbara Sears dated 12-10-2004] )

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- 58) Accident Data Analysis for the Sam Eig Highway and Diamondback Drive Intersection, prepared by the Traffic Group (Attachment "J" [in letter from Barbara Sears dated 12-10-2004] )
- 59) Analysis by the Traffic Group of the 1990 Shady Grove Study Area Master Plan illustrative diagram of a possible separated grade interchange at Sam Eig Highway and Diamondback Drive (Attachment "K" [in letter from Barbara Sears dated 12-10-2004] )
- 60) Traffic Noise analysis, prepared by Phoenix Noise & vibration LLC, dated December 9, 2004 (Attachment "L" [in letter from Barbara Sears dated 12-10-2004] )
- 61) Statement addressing student generation for the proposed project and school cluster capacity dated June 25, 2004 (Attachment "M" [in letter from Barbara Sears dated 12-10-2004] )
- 62) Excerpt from the Montgomery County Public Schools FY 22005-2010 Capital Improvement Program for the Quince Orchard Cluster (Attachment "N" [in letter from Barbara Sears dated 12-10-2004] )
- 63) Letter to the Planning Commission from Dennis Rodrigues and Christine Ireland dated December 8, 2004, requesting retention of current zoning designation
- 64) Letter to the Mayor and City Council from Dennis Rodrigues and Christine Ireland dated December 8, 2004, requesting retention of current zoning designation
- 65) Letter to the Mayor and City Council dated December 14, 2004, from Bruce Blumberg of Abaris Realty requesting retention of County building restrictions
- 66) X-181 Annexation Analysis from Paul Brounstein and Nancy Ostrove, received December 27, 2004
- 67) Letter with attachment, received January 3, 2005, from Carol Martin, 23 Norwich Court
- 68) Letter, received January 3, 2005, from Raymond Matkowski, 1 Watch Hill Court
- 69) Letter, received January 3, 2005, from Michael Fordham Dennis, President, Board of Directors, Timberbrook Condominium

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- 70) Letter to Planning Commission, received January 3, 2005, from Roman and Polina Vladimirsky, 5 Watch Hill Place
- 71) Letter to Mayor and City Council, received January 4, 2005, from Roman and Polina Vladimirsky, 5 Watch Hill Place
- 72) Letter, received January 4, 2005, from Paul Stynchcomb, Brower, Kriz & Stynchcomb, LLC
- 73) Letter, received January 4, 2005, from Michael A. McCoy and Linda H. McCoy, 5 Gibson Place
- 74) Letter, received January 4, 2005, from Philip Kaplan, 13 Gibson Place
- 75) Letter, received January 4, 2005, from Robin Cheris, 11 Gibson Place
- 76) Letter, received January 4, 2005, from Zita Correa, 6 Gibson Court
- 77) Letter, received January 4, 2005, from Raquel Correa, 6 Gibson Court
- 78) Letter, received January 4, 2005, from Sierra Correa, 6 Gibson Court
- 79) Letter, received January 4, 2005, from Craig A. Correa, 6 Gibson Court
- 80) Letter, received January 4, 2005, from W. Kent Howard, 7 Gibson Place
- 81) Letter, received January 4, 2005, from Howard Cheris, 11 Gibson Place
- 82) Letter, received January 4, 2005, from Carolyn Connors-Howard, 7 Gibson Place
- 83) Letter, received January 5, 2005, from Nancy Sforza Stevenson, PMD Management Consultants
- 84) Letter, received January 5, 2005, from Shireen Ambush, Property Manager (Abaris Realty, Inc.), Amberfield Home Owners Association
- 85) Annexation X-181 11" X 17" Site Plan showing impact of Master Plan Interchange at Diamondback Drive and Sam Eig Highway
- 86) 1992 Memorandum of Understanding between Montgomery County, City of Gaithersburg and City of Rockville

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- 87) Letter, received January 5, 2005, from Barbara Sears, Linowes and Blocher, LLP, amending the boundaries of the subject annexation
- 88) Amended Metes and Bounds Description prepared by Patton Harris Rust and Associates
- 89) Amended Boundary Survey prepared by Patton Harris Rust and Associates
- 90) Amended Draft Resolution of Annexation for Petition X-181
- 91) Letter to the Mayor and City Council, received January 4, 2005, from W. Kent Howard, 7 Gibson Place
- 92) Letter to the Mayor and City Council, received January 4, 2005, from Carolyn Connors-Howard, 7 Gibson Place
- 93) Letter to the Mayor and City Council, received January 4, 2005, from Michael A. McCoy and Linda H. McCoy, 5 Gibson Place
- 94) Letter to the Mayor and City Council, received January 4, 2005, from Craig A. Correa, 6 Gibson Court
- 95) Letter to the Mayor and City Council, received January 4, 2005, from Raquel Correa, 6 Gibson Court
- 96) Letter to the Mayor and City Council, received January 4, 2005, from Zita Correa, 6 Gibson Court
- 97) Letter to the Mayor and City Council, received January 4, 2005, from Philip Kaplan, 13 Gibson Place
- 98) Letter to the Mayor and City Council, received January 4, 2005, from Robin Cheris, 11 Gibson Place
- 99) Letter to the Mayor and City Council, received January 4, 2005, from M.A. Tahriri, 1 Gibson Place
- 100) Letter to the Mayor, received January 4, 2005, from Leon Gerskovic, 13 Red Kiln Court

- 101) Minutes of the December 1, 2004, Planning Commission Meeting, X-181 Public Hearing
- 102) Letter, dated January 6, 2005, requesting publication of the Notice of Public Hearing of X-181 with the amended acreage of 16.2903 for the Mayor and City Council February 7, 2005 meeting in the January 12 and 19, 2005 issue of the *Gaithersburg Gazette* and attached e-mail and fax confirmation sheet
- 103) Certified copy of the Notice of Public Hearing for the February 7, 2005 Mayor and City Council
- 104) CPC- Staff Analysis for Annexation Petition X-181

**End of Record Received by Planning Commission by January 7, 2005**

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- 105) Notice of Public Hearing of X-181 with the amended acreage of 16.2903 for the Mayor and City Council February 7, 2005 meeting as sent January 10, 2005
- 106) List of property owners notified with the amended acreage for the for the Mayor and City Council February 7, 2005 meeting
- 107) Letter, received January 12, 2005, from Abaris Realty, Inc on behalf of Washingtonian Towns Homeowners Association
- 108) Transcript of the Planning Commission's December 1, 2004, Public Hearing
- 109) CPC- Planning Commission's recommendation to the Mayor and City Council on Annexation Petition X-181
- 110) Certified copy of the Notice of Mayor and City Council Public Hearing for the February 7, 2005 with the amended acreage, as it appeared in the January 12 and 19 issues of the *Gaithersburg Gazette*

# The Gazette N

9030 Comprint Court, Gaithersburg, Maryland 20877

## CERTIFICATION

THIS IS TO CERTIFY THAT THE ANNEXED LEG  
IN THE GAZETTE NEWSPAPERS FOR THE NUM

### The City of Gaithersburg – Public Hearing

Gaithersburg Publishing Company

*Karey A. Major*  
Copy of Ad attached



KAREY A. MAJOR  
Notary Public, State of Maryland  
Prince George's County  
My Commission Expires March 31, 2007

Ad Order Number: 10226000

Dates: St: 1/12/05 End: 1/19/05 Ins: 2

## NOTICE OF PUBLIC HEARING

The Mayor and City Council of the City of Gaithersburg will conduct a public hearing on Annexation Petition X-181, filed by Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, on

**MONDAY**  
**FEBRUARY 7, 2005**  
**AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests annexation of 16.2903 acres of land (3.1033 acres of which are road right-of-way), known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 (Transfer of Development Rights) in the County, to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC. This is a re-advertisement for an amended description of the total area to be annexed.

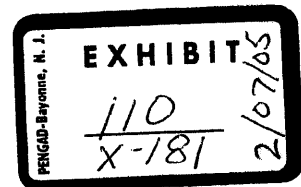
Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration  
TWS/pap

10226000

(1-12,1-19-05)

1384707



MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager *Did*

FROM: Trudy Schwarz, Community Planning Director  
Planning and Code Administration

DATE: January 21, 2005

SUBJECT: Annexation Petition X-181—Crown Farm

In the past, Council members have requested that staff provide the Mayor and City Council the packages earlier if the content of the record is voluminous.

To date, the record for X-181 has 109 exhibits. Therefore, staff is sending to the Mayor and City Council their package early for the scheduled **February 7, 2005** public hearing on this matter. In order to conserve paper, staff will not send additional copies of those exhibits previously distributed in your regular weekly hearing packet prior to the February 7, 2005 meeting, so please hold onto these exhibits.

There are a number of exhibits that were too large to copy and include. If you wish to review them prior to the meeting, please contact either myself or Patricia Patula, and we will set a up meeting time, at your convenience.

Should you have any questions, please feel free to contact me, or Patricia, via telephone at (301) 258-6330, via email at [tschwarz@gaithersburgmd.gov](mailto:tschwarz@gaithersburgmd.gov) or [ppatula@gaithersburgmd.gov](mailto:ppatula@gaithersburgmd.gov), or via Trudy's cell phone at (240) 876-0451.

cc: Greg Ossont  
Patricia Patula

TWS/mab

**COMMUNICATION: PLANNING COMMISSION**

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**MEMORANDUM TO:** Mayor and City Council

**FROM:** Planning Commission

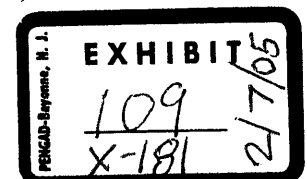
**DATE:** January 21, 2005

**SUBJECT:** X-181 -- Application to annex 16.2903 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200/TDR-5 (Low-Density Residential) Zone in Montgomery County to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg.

At its regular meeting on January 19, 2005, the Planning Commission made the following motion:

Commissioner Levy moved, seconded by Vice-Chair Hicks, to recommend to the Mayor and City Council APPROVAL of Annexation Petition X-181, with an RP-T zoning designation and the following conditions:

1. Applicant must amend the concept site plan to incorporate the following:
  - a. The master planned right-of-way of the interchange for Sam Eig Highway and Diamondback Road;
  - b. Amend noise study to account for noise of potential interchange and increased traffic volume and analysis of revised site plan and recommend noise attenuation measures for development;
  - c. Applicant must provide a combination wall, berm, and landscaping (similar to one provided along the right-of-way of Md. Rte. 28 by the developers of Kentlands) next to Sam Eig Highway and the proposed interchange;
  - d. Incorporate Traditional Neighborhood Design (TND)



- with a mix of townhouses and single-family detached units;
- e. Provide single-family detached units and lot sizes similar to Washingtonian Village on the north parcel;
  - f. Revise conceptual storm water management before to any approval of site plan;
  - g. Each parcel must stand on its own for green space, open space, parking spaces, amenities, afforestation and development RP-T Zone requirements;
  - h. Afforestation areas may not overlap the green area required per dwelling unit to encourage its use in common by the occupants of the project in leisure activities.
2. The traffic study must be revised to incorporate and respond to the comments made in the traffic analysis;
  3. Sewer category service must be changed to S-1 before to preliminary site plan/subdivision;
  4. If the developer chooses to take advantage of the Transfer Development Rights (TDR) and Moderately Priced Dwelling Units (MPDU) bonus density, the developer must participate in those programs;
  5. The applicant must participate in the Arts in Public Places Program;
  6. The applicant must provide a Staging Plan concerning the impact of the development on schools based on the City's Master Plan Education Theme;
  7. In accordance with the traffic noise analysis, the architectural elevation must show brick construction on all three sides of the townhouse units and four sides of single-family detached units;
  8. Crown Farm Drive must be improved with dedication to a full 60 feet of right-of-way, providing paving for two lanes of travel and parking on both sides of the street, with curb and gutter, street trees, lighting, and sidewalk on both sides; and
  9. The City and the applicant need to meet with the transit authority to evaluate locations for bus shelters both north and south of Diamondback Drive before preliminary approval.

Vote: 4-0

## COMMUNICATION: PLANNING COMMISSION

**MEMORANDUM TO:** Planning Commission

**FROM:** Trudy Schwarz, Community Planning Director  
Patricia Patula, Planner

**DATE:** January 6, 2005

**SUBJECT:** Staff Analysis X-181 - Application to annex 16.2903 acres of land<sup>1</sup>, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200/TDR-5 (Low-Density Residential) Zone in Montgomery County to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg.

### OWNERS AND APPLICANTS:

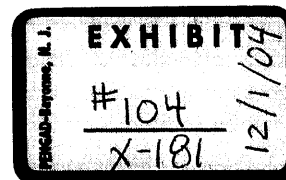
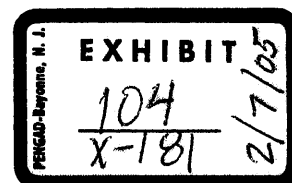
Lorraine Crown  
Charles Crown  
Catherine V. Stinson  
9410 Fields Road  
Gaithersburg, Maryland 20878

### DEVELOPER:

North Gaithersburg Investment, LLC  
2401 Research Boulevard, Suite 202  
Rockville, Maryland 20850

### LOCATION:

The subject property is located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The acreage consists of two parcels, P458 and P619, made up of 7.07 acres and 6.11 acres, respectively, and the surrounding



<sup>1</sup> The application was amended to add 3.1033 acres to the original 13.1870-acre annexation petition. The additional acreage consists of the adjoining road rights of way of Diamondback Drive, a small portion of Story Drive and Crown Farm Drive. (See Exhibits 87 through 89.)

roadways for a total of 16.2903 acres. The roadways and the parcels are adjacent and contiguous to the current City limits.

### **TAX MAP REFERENCE:**

Tax Sheet: FS 342

Tax ID Number: 09-02952026 and 09-02952015

### **BACKGROUND:**

The annexation petition is comprised of two parcels of land, P456 at 7.07 acres and P619 at 6.11 acres, and includes all or portions of the rights of way of Crown Farm Road, Story Drive and Diamondback Drive. The total area of the annexation is 16.2903 acres located on the west side of Sam Eig Highway. Parcel 458 is bound by Crown Farm Road to the north, Story Drive to the east, Diamondback Drive to the south, and Sam Eig Highway to the west. Parcel 619 is bound by Diamondback Drive to the north, Bickerstaff Way and a City-owned Green Park to the east, which houses the Dog Park, and Sam Eig Highway to the west. The two parcels were originally part of the overall Crown Farm, of which approximately 175 acres lies on the east side of Sam Eig Highway. The construction of Sam Eig Highway separated the parcels from the original tract of land, which then was further divided by the construction of Diamondback Drive.

A public hearing on the proposed annexation was held before the Planning Commission of the City of Gaithersburg on December 1, 2004. Minutes and a transcript of the meeting will be available. The meeting may be viewed at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov) under Archived Planning Commission Meetings. The Planning Commission held the record open for 37 days until January 7, 2005.

The public hearing before the Mayor and City Council is scheduled for February 7, 2005, and has been duly advertised and will be posted. In addition, adjacent property owners and interested agencies were notified per Article 23A, Subsection 19(a) of the *Annotated Code of Maryland*. The required outline of public facilities was prepared and distributed to appropriate parties.

### **MAXIMUM EXPANSION LIMITS:**

Neither the *City of Gaithersburg 2003 Master Plan Process and Overview* nor the *Land Use Element of the Master Plan* addresses Maximum Expansion Limits. The *City of Gaithersburg 1997 Master Plan*, while not showing this area in its Expansion Limit Map, clearly discusses the area of the subject annexation as a potential area to be incorporated in the municipal boundaries in the *Neighborhood Three Element*. The City has had a goal to have boundary changes follow existing roadways and this annexation would follow that pattern.

## **EXISTING LAND PHYSICAL CHARACTERISTICS AND NATURAL RESOURCES INVENTORY AND NOISE ANALYSIS:<sup>2</sup>**

The site is comprised of two topographically bowl-shaped parcels, each sloping to the corners of Sam Eig Highway and Diamondback Drive. The steepest slopes exist along each side of the Diamondback Drive border and reach approximately 50 degrees. Slopes ranging from 5 to 20 percent dominate the remaining area of each parcel. The Montgomery County Soil Survey indicates three soil types present on the site: Gaila Silt Loam, Glenelg Silt Loam and Wheaton Silt Loam. The Soils Survey states that these non-hydric soil types are suitable for the development that is proposed.

The site in question is former agricultural land and has throughout a pronounced organic horizon to the soil profile. The current plant community of both parcels is composed of upland scrub-shrub species and grasses that represent an early stage seral succession of fallow agricultural fields. Bradford Pears are the most pronounced species on each parcel. The northern parcel, P458, is dominated by mixed herbaceous species. The southern parcel, P619, is dominated by shrub vegetation (Bradford Pears). Separating P619 from the City's Dog Park is a hedgerow composed of various deciduous and evergreen species with 6-12 inch diameters at breast height (DBH). These trees are in good health; however, vines and greenbrier are moving into the hedgerow. Numerous species of birds are found throughout the site, but there are no threatened or endangered species on site.

The soils present, the degrees of slope, and the type of plant communities indicate there are no wetlands on the site, nor are there any Waters of the United States (US). There are, however, a number of stormwater management (SWM) outfalls, one on P458 and three on P619, with perpetual drainage easements. On P619, an ephemeral channel has developed along the base of the slope bordering Diamondback Drive and connects two such drainage areas. This feature has no base flow and should not be considered a stream nor warrant any buffering.

A noise impact analysis study was conducted by Phoenix Noise and Vibration. This study included on-site measurements, traffic noise modeling and future traffic noise analysis, and townhome barrier effects. The study's focus of noise generation is Sam Eig Highway. The maximum level for exterior noise at the building line, according to Montgomery County guidelines, is 65 "A" weighted decibels (dBA). "A" weighted decibels is a mathematical adjustment that measures sounds the way an average person hears them. The 65 dBA is a guideline applied to urban ring, freeway, and major highway corridor areas.

The noise analysis models calculated effects from 37 different locales on the site. Modeling was based upon 2025 noise levels on Sam Eig Highway. Data models from The Traffic Group were used to predict an annual average traffic increase of 1.5 percent over the next 21 years. The analysis concluded that rear yards, open space, and tot lot areas will meet the Montgomery County guideline levels. Some townhomes will be impacted by levels as high as 69 dBA and require further mitigation. Some homes may require a building shell analysis. This analysis, however, did not take into account the *Shady Grove Study Area*

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<sup>2</sup> Prepared by Rob Robinson, Planner, City of Gaithersburg

*Master Plan of 1990.* In this document, the intersection of Diamondback Drive and Sam Eig Highway has been listed as a potential site for an urban diamond grade separated interchange. The current study did not model, or addressed traffic noise impacts from this possible interchange, such as the effects of a more congested arterial Diamondback Drive.

In order to meet the objective to have better quality living environment to protect the public health and welfare in both the yards and the buildings, the applicant should provide a combination wall, berm, and landscaping, similar to the one provided along the right of way of Maryland Route 28 by the developers of Kentlands, next to Sam Eig Highway and the proposed interchange.

## **MASTER PLAN:**

### **Montgomery County**

The *July 1990 Gaithersburg Vicinity Shady Grove Study Area Master Plan* adopted R-200/TDR-5 base zoning for the property and also recommended “detached housing on the western portion of the Crown Farm.” There is an interchange at Sam Eig Highway and Diamondback Drive shown on the Master Plan Map and the Highway Plan portion of the Transportation section of the master plan, which also discusses grade separated interchanges and the need to preserve rights of way for them (Exhibit 39). There is further discussion of the subject grade separated roadway in Appendix A of the *July 1990 Gaithersburg Vicinity Shady Grove Study Area Master Plan* (Exhibit 35).

### **City of Gaithersburg**

The *2003 City of Gaithersburg Master Plan* identifies this entire parcel as part of Special Study Area 4. Since this study area has not been incorporated into the 2003 Master Plan, the Planning Commission does have the option ask for postponement of a decision of this annexation per Sec. 24-171(2) of the City’s Zoning Ordinance. A more desirable option would be to review the annexation plan in conformance with the *1997 Neighborhood Three Plan*.

The *1997 Neighborhood Three Plan Master Plan* discusses both these parcels. The north parcel is Study Area 3, Map Designation 9, which proposes two land use options: medium-low density residential or commercial. According to the master plan, medium-low density residential land use would be assigned the City of Gaithersburg’s R-6 Zoning. The south parcel is in Study Area 4, Map Designation 10, which proposes three options, medium density residential, commercial or open space. Medium density residential land use can be assigned RP-T zoning. A key issue brought up in both parcels is the impact of the grade separated interchange of Diamondback Drive and Sam Eig Highway as proposed in the *Gaithersburg Vicinity Shady Grove Study Area*. The interchange was one of the reasons for the consideration of retention of the parcel as open space. The master plan states that: “At the current time, this new road improvement is not necessary, but the possible construction of the Inter-County Connector may force the State and County to explore the

idea.” The master planned interchange will be further discussed in the transportation portion of this analysis.

The 1997 *City of Gaithersburg Transportation Element* (Exhibit 38) of also mentions the Diamondback Drive and Sam Eig Highway intersection in the Future Transportation Improvements section and states the following:

*This intersection should be upgraded in the future with the construction of the Inter-County Connector. (See Neighborhood Three Plan, Study Area 3, Map Designation 9.)*

Provision of improved traffic circulation would achieve the first three goals of the Transportation Plan as listed on pages 13-14.

The 1999 *City of Gaithersburg Housing Policy* and *Smart Growth Policy*, as well as the Themes of 2003 *Master Plan Process and Overview*, discuss the importance of maximizing single family housing throughout Gaithersburg. They also stress staging development based on adequate public facilities including existing and future transportation infrastructure and adequate school capacity. They encourage using Traditional Neighborhood Development techniques to enhance community identity along with other programs such as pocket parks, tot lots and Art in Public Places. They encourage environmentally sensitive “best practices methods” to be utilized for stormwater management and that the City participate in reducing different types of pollution including noise, visual and lighting pollution to ensure a high quality of life sustainable for future generations.

In reviewing the annexation request since there is a site plan which will lead to a preliminary subdivision involved as part of the petition, the Planning Commission and the Mayor and City Council are required to make findings as to whether the proposed plan is in conformance with the Master Plan. Section 20-18 of the City of Gaithersburg Code requires the following:

*Sec. 20-18. Conformance with comprehensive plan and approved site development plan.*

*(a) The final plat of subdivision shall conform to the comprehensive master plan unless the Planning Commission finds that events have occurred to render the master plan recommendation no longer relevant.*

This section in the Subdivision Ordinance shifts conformance to the master plan from a guide to a mandate. Since the petitioners are requesting a concept/preliminary subdivision level of approval, they need to show conformance to the master plan with the site plan. The plans submitted do not conform to current master plans. In addition, there has been no staging proposed for public facilities.

## **ZONING:**

### **Montgomery County Zoning**

The subject property is currently zoned R-200/TDR-5 in Montgomery County. The R-200 Zone generally allows two housing units per acre and is similar to the City's R-A (Low Density Residential) Zone. The optional designation of this property as TDR-5 (a Transfer of Development Rights sending area for five units per acre) allows the property to increase the density to five units per acre if Development Rights of that density are purchased from Agricultural Reserve in the upper portion of Montgomery County. The Transfer of Development Rights (TDR) Program was implemented by the Montgomery County-Maryland-National Capital Park and Planning Commission (MN-CPPC) in 1980 to preserve farmland and farming in the upper portion of Montgomery County identified as the county's Agricultural Reserve.

This R-200 zoning density would allow the northern parcel to have a maximum of fourteen (14) 20,000-square foot lots. The TDR-5 zoning would allow a developer to purchase 21 TDR's to allow a density of 35 units, if the plan can meet the dimensional restrictions as stated below.

It is important to note that while certain units may be permitted, that they also must meet the dimensional and percentage requirements of the Zoning Ordinance, which would allow the full number of units. These restrictions for TDR-5 zoning include a requirement for thirty (30) percent one-family detached units with 4000-square foot lots, unless a waiver is received for environmental and/or compatibility reasons; 3500-square feet for semidetached dwelling units, 1500-square foot lot for townhouses; and 2000-square feet of green space per town house unit. In addition, the plan must provide afforestation in accordance with the State of Maryland and Montgomery County requirements. Therefore, the actual allowable density may be much less than the unit yield per acre.

The R-200 zoning would allow the southern parcel to have a maximum of twelve (12) 20,000-square foot lots. The TDR-5 zoning would allow a developer to purchase 18 TDR's to allow a density of 30 units if the plan can meet the dimensional restrictions and the afforestation requirements as stated in the paragraph above.

If the plan incorporates Moderately Priced Dwelling Units (MPDU's), the County Zoning Ordinance gives additional density to the property, but again there are dimensional restrictions for the sizes of lots. The County Code states the following:

*(A)ny perimeter lot that is adjacent, abutting, or confronting one or more existing one-family detached dwellings must conform to the lot area and yard requirements of the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development.*

The unit counts are based on gross acreage, both parcels will be impacted by the master plan right of way for the interchange and the needed roadways would reduce the number of allowed units.

### **TDR and MPDU Effect on Annexations**

The Cities of Gaithersburg and Rockville, along with Montgomery County, memorialized the importance of continuing to utilize both the TDR and the MPDU planning techniques for properties when they are the subject of annexation requests in their 1992 Memorandum of Understanding (1992 MOU, Exhibit 86). The City's agreement to the 1992 MOU pledged its support to continue those programs if a property was annexed into the City boundaries. Since that time, the City through annexation agreements has required property owners to purchase TDR's and provide MPDU's as part of their development plan. Therefore, if the applicant proposes to utilize the extra density allowed by these programs, an agreement to participate in these programs would be required.

### **Substantial Change**

It should be noted that per Article 23A, Subsection 9(c) of the Maryland Annotated Code:

*"no municipality annexing land, may for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted Master Plan or plans . . . without the express approval of the ... County council in which the municipality is located."*

The subject petition has been referred to the Montgomery County Planning Board for their mandatory review, which is tentatively scheduled for February 17, 2005. Because the RP-T Zoning has been requested, which allows apartments, the annexation petition will most likely be referred to the Montgomery County Council.

Generally, when the petitioner has agreed to purchase TDR's and provide MPDU's to increase the density of the project above the base zone, the County Council has looked favorably on annexation petitions of the same density and unit type that would be allowed under Montgomery County jurisdiction.

### **Proposed City Zoning**

The RPT Zone of the City of Gaithersburg is intended to provide for a variety of residential uses at a density higher than that permitted in the R-90 Zone and to encourage the provision of usable open green space areas. Further, it is intended to encourage creativity in the design of residential development by the elimination of minimum lot sizes and some yard requirements. The allowable density is nine (9) dwellings per gross acre. Perimeter setbacks are required for the development and the height limitation is 35 feet. Fifty percent of the land area is to be devoted to open space, with a minimum of at least 1,000 square feet per dwelling unit to encourage its communal use in leisure activities by the occupants

of the project. The City Traditional Neighborhood Design option may be used in the RP-T Zone.

## **PUBLIC FACILITIES:**

### **Water and Sewer Service**

The water and sewer categories for the site are W-1 and S-4. There is an existing 24-inch water line at Crown Farm Road and a 10-inch line in Bickerstaff Way and Story Drive. There are several 8-inch sewer lines along Crown Farm Road, Story Drive and Bickerstaff Way. Category 4- means that there is no planned service for the next 7-10 years. The applicant needs to apply for a change with the WSSC and apply for a category change, which may take three-four months, if there are nearby facilities.

### **Other Utilities**

Electric, gas, cable and telephone run adjacent to the site within the public right-of-ways. The developer would have to contract with these services to extend them into the development. These services along Crown Farm Drive and within the development should be installed below ground.

### **Schools**

The proposed annexation area lies within the Quince Orchard Cluster of the Montgomery County Public School (MCPS) system. Students generated from the Crown project would attend Fields Road Elementary, Ridgeview Middle School, and Quince Orchard High School.

Student generation rates for proposed 80-unit townhouse project:<sup>3</sup>

23 elementary school students (80 units x 0.279 generation rate)

8 middle school students (80 x 0.093 generation rate)

9 high school students (80 x 0.105 generation rate)

The *FY 2005 Educational Facilities Master Plan and FY 2005-2010 Capital Improvements Program* (published June 2004) for Montgomery County Public Schools outlines the following:

#### **Fields Road Elementary School**

Fields Road Elementary School has received funds to begin the architectural design for a nine-classroom addition—the design to begin in 2006 and the project to be completed by August 2008. The Plan states: “In order for this addition to be

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<sup>3</sup> Provided by MCPS Department of Planning and Capital Programming, January 6, 2005.

completed on schedule, two critical funding sources must remain as programmed. First, the County Council must provide local funding at the levels approved in the FY 2005-2010 CIP, and second, the State of Maryland must provide state funding levels projected by the County Council for the FY 2005-2010 CIP.”

In the CIP report for FY 04-05, the capacity for Fields Elementary is 358 students with an actual enrollment of 496 and a deficit of 138. The capacity will remain the same through FY 07-08 with a projected increased enrollment of 533 students by FY 07-08. It is anticipated that the enrollment will exceed capacity throughout the six-year CIP period. As of FY 08-09, the addition should be completed expanding the capacity to 583 students.

During 2004-2005, a total of eight relocatable classrooms are in use, including one used for day care.

#### Ridgeview Middle School

At this time, the students will attend Ridgeview Middle School. Its program capacity in FY 04-05 is 1,005 with an enrollment of 1,031. Three relocatable classrooms were in use during the school year 2004-2005. The school was recently part of a boundary study (completed in November of 2004) to evaluate options to reduce Kingsview and Ridgeview Middle Schools service areas and to create a service area for Quince Orchard Middle School #2 (Lakelands) which is to open in August of 2005.

#### Quince Orchard High School

The CIP lists the High School's capacity at 1,799 for the school year 2004-2005, and the actual enrollment at 1,931. The enrollment exceeds the capacity by 132 students. Four portable classrooms are in use for school year 2004-2005 due to enrollment growth, an increase of two from the 2003-2004 school year.

The crowding at Quince Orchard High School is hoped to be alleviated by a future high school site at the master planned school site at Fields Road planned to be part of the Gaithersburg Cluster. The exact location is still to be determined and is not yet titled to the Board of Education.

### **TRANSPORTATION:**

#### **Traffic Analysis<sup>4</sup>**

The Traffic Impact Analysis (Exhibit 57) prepared by The Traffic Group. With the exception of the Critical Lane Volume (CLV) for:

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<sup>4</sup> Prepared by Ollie Mumpower, Engineering Services Director of the Department of Public Works, Park Maintenance and Engineering (DPWPM&E)

- the Muddy Branch Road and Maryland Route 119 (Great Seneca Highway), and
- the Sam Eig Highway and Diamondback Drive intersection,

all other studied intersections will have CLV's of less than 1450.

However, the study should be amended by the consultant to show the impact of a 3rd westbound (WB) lane for Md. Rte. 119. This will reduce the CLV at this location from a CLV in the 1920's to a CLV in the 1640's - still above the City's 1450 CLV standards. The consultant makes a reasonable argument that the traffic from this property has little impact on this intersection (only two outbound trips in the morning and two inbound trips in the evening) – nevertheless, the intersections CLV will continue to remain above 1450.

The study also needs to be revised to show the CLV for the intersection of Sam Eig Highway and Diamondback Drive using the proper lanes usage [one less northbound (NB) thru lane and an exclusive NB left-turn lane]. It is likely that during the AM peak period this would raise the CLV's for both the background and total traffic volumes to somewhere in the range of 1570. Based on this information, additional traffic improvements would be necessary at this intersection to bring the CLV below 1450. The most likely improvement would be the addition of the 3rd lane NB at this location.

Most of the traffic comments made at the public hearing and submitted into the record dealt more with traffic operational issues (signal timing, etc.) that the City would typically work with the County or State for their review and resolution.

The parameters of this study looked at traffic during the peak hours of the surrounding road system (a typical AM and a PM weekday time frame). This is what is required to be reviewed for a traffic impact study. Sometimes traffic studies are asked to evaluate Friday evening peaks and Saturday peaks for large commercial generators such as major shopping centers. But this is not required for residential units. The study appears to be done in an acceptable manner.

### **Master Planned Grade Separated Interchange at Diamondback Drive and Sam Eig Highway<sup>5</sup>**

Staff also reviewed Exhibit K (Exhibit 59), the Analysis of the Traffic Group of the 1990 *Shady Grove Study Area Master Plan* "Separated Grade Interchange at Sam Eig Highway". The analysis done in this attachment does not include the impact of future development of the entire Crown Farm property. It only shows what a typical traffic study would -- the impact of traffic generated by existing, approved background and the traffic generated by the proposed annexation. Unless there is a specific development total, approved and "in the pipeline," for the Crown Farm, this traffic would not be typically included in a traffic study. This study indicates that an at-grade interchange will operate satisfactorily for only today's traffic volumes. However, the study needs to be revised to include proper lane usage on North bound Sam Eig.

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<sup>5</sup> Prepared by Ollie Mumpower, Engineering Services Director of the Department of Public Works, Park Maintenance and Engineering (DPWPM&E)

In addition, if the developer is attempting to make a case that the grade separated interchange is not needed in this area, in the future further analysis will be required. However, the study should consider future development that could occur on the Crown Farm, Life Sciences Center in the Shady Grove , and any other nearby undeveloped parcels such as the Banks Farm. The developer should then factor the traffic generated by the developments into the equation and do another analysis that would show if the at-grade intersection could handle this future traffic.

In consideration of the ICC and noting that the flyover ramp connecting Sam Eig and Great Seneca Highway has been recommended for study by the Montgomery County, it is important for the City, the County and the State to look at both this intersection as well as the intersection of Sam Eig Highway and Maryland Route 119 (Great Seneca Highway) to ensure that the proper infrastructure will be in place to handle this future traffic.

### **Crown Farm Drive**

Currently at the intersection of Crown Farm and Story Drives the right-of-way of Crown Farm Drive is sixty (60) feet for approximately 100 feet, with approximately 26 feet wide pavement. The right-of-way narrows and is variable as shown on the 1980 Montgomery County Plat of Street Dedication of Fields Road (Fields Road was renamed Crown Farm Drive during the construction of Sam Eig Highway since it no longer connects to Fields Road to the east). The paving width of this portion of the road varies from 21 feet to 23 feet. At the time of the development of Washingtonian Village, Fields Road was to be realigned and shifted to the south. Therefore, the paving of Fields Road at that time was considered a temporary roadway and was never improved. The plans for Fields Road changed in the late 1980's to the present alignment of Diamondback Drive. With the development of the northern parcel, Crown Farm Drive should be improved with dedication to a full 60 feet of right-of-way and paving to allow for two lanes of travel and parking on both sides of the street, with curb and gutter and sidewalk on both sides, and with street trees and lighting.

### **Transit**

Three (all-day service) Ride On bus lines serve these properties or are within walking distance. Two routes connect to the Shady Grove METRO Station (a 10-minute commute) and one connects to the Rockville METRO Station. Two additional bus routes are in service during each of the morning and evening rush hours. The City needs to meet with the transit authority to evaluate locations for bus shelters both north and south of Diamondback Drive.

These parcels are also within a close proximity of the proposed Corridor Cities Transit (CCT). The CCT is master planned to traverse Great Seneca Highway.

## **PROPOSED USE / SITE PLAN:**

The developer submitted a site plan to construct 80 townhouse units. Forty-six units are located on the north parcel and the additional 34 units on the parcel south of Diamondback Drive. Access to the north parcel is via Crown Farm Drive and access to the south parcel is via Bickerstaff Way. Crown Farm Drive should be improved as stated beforehand. Each parcel has interior public roadways. Although these roadways are similar to other developments in the City, some of the streets in this proposal will require Road Code Waivers because they do not comply with the standards of Chapter 19, *Streets and Sidewalks*, of the City of Gaithersburg Code.

The typical interior lot size on plan is 2,000 to 2,100 square feet and the end unit lots range from 2,600 to 2,800 square feet. The foot print for the proposed townhouse units is 24 feet by 85 feet. Photographs of the proposed units show brick construction on all three sides of the units; however, the architectural elevations also submitted show a combination of brick and siding. The Noise Attenuation Study recommends brick construction for these units to assist in reducing the interior noise levels.

The site plan shows that the project is to provide three parking spaces per unit on each individual lot (one garage and two in the driveway). The proposal is for two-car garage units; however, staff has not been provided with the dimensions of the garage nor the width of entrance. Parking required for townhouses according to the City Code is 2.5 parking spaces per dwelling unit, provided, however, that each garage space within townhouse developments shall be counted as one-half of a parking space. In addition to the provided spaces, the plan also proposes a number of on-street parking spaces.

Stormwater management of water quality and water quantity is required to be provided using methods found in the 2000 Maryland Storm Water Design Manual by Maryland Department of the Environment. The applicant will need to show these on a conceptual stormwater management plan prior to preliminary site plan approval.

The site plan shows tot lots for each parcel, 2,500 square feet on the south and 2,300 square feet on the north. The RPT Zone require fifty percent green space and also requires a minimum of at least one thousand (1,000) square feet per dwelling unit to encourage its use in common by the occupants of the project in leisure activities. The proposed site plan does not provide the required useable open space due to the number of trees proposed to comply with the City's afforestation laws.

As stated, the plans submitted do not show the master plan right of way for the interchange. In addition, the unit type does not conform to the City's master plan recommendation to have single-family detached units on the northern parcel.

In reviewing the Themes of the *2003 City of Gaithersburg Master Plan* staff has concerns that:

- There is no staging proposed to address the schools that are over 100 percent capacity (Fields Road Elementary and Quince Orchard High School).

- There are intersections that are above the 1450 CLV and no road improvements are contemplated at this time to improve the use.
- The design and architecture of the development do not promote traditional neighborhood community design or “encourage a sustainable community.”
- There is little noise or visual buffering to improve the quality of life outside of the houses.
- Minimal areas for interaction or gathering of the citizens are provided.

Staff recommends that the applicant redesign the site to incorporate these items and also provide 5,000-square foot minimum lot size for single-family detached units facing Washingtonian Village/Crown Farm Drive, and 4,000 square feet in lot size for other single-family detached units. Side yards should be a minimum of eight (8) feet. The site design should be encouraged to incorporate garages located in the rear of the unit utilizing alleys or setting the garages facing back from the entry to the homes so that the vehicles do not become a focal point. The southern parcel is appropriate for either single-family attached or detached units with a minimum lot size of 1,500 square feet and compliance with the dimensional restrictions of the RP-T Zone.

### **STAFF RECOMMENDATION:**

Staff as well as the citizens realizes the importance of this property to the City of Gaithersburg. Staff supports the annexation because this area is considered part of Gaithersburg and would assist in the identity of the municipal boundaries.

Staff recommends that the subject 16.2903 acres of land, known as a portion of the Crown Farm, be annexed into the City of Gaithersburg and zoned RP-T in accordance with the petitioners’ request for the following reasons:

- The properties are contiguous to the City and follow existing roads.
- Annexation of these parcels will fulfill the City’s goal to promote annexation for logically situated parcels and to work towards the creation of more concise and reasonable boundaries. The subject properties are strategically located along an entry area to the City.
- Annexation of the parcel into the City would necessitate submission of the property to additional development review before the Planning Commission, either concurrent with or immediately following the annexation process. This will provide the City, as well as adjacent citizens, with a convenient opportunity to participate in the development process at the local level. It is staff’s opinion that the community’s needs would be more effectively and responsively dealt with at the local level.
- These parcels are a reasonable addition to the neighborhood bounded by Sam Eig Highway, Great Seneca Highway (Maryland Route 119), Muddy Branch Road and I-

270. Subsequent control by the City over the development will benefit the surrounding properties.

### **Annexation Agreement Items**

The following items should be evaluated for inclusion in a legally recorded annexation agreement to be promulgated between the property owners and the City to accomplish the City's goals for this property and area. These items provide only an initial framework for discussion and negotiation. As the public process continues, additional issues and recommendations may develop.

1. Applicant should amend the site plan to incorporate the following:
  - The Master Planned ROW of the interchange for Sam Eig and Diamondback Road;
  - Amend noise study to account for noise of potential interchange and increased traffic volume and analysis of revised site plan and recommend noise attenuation measures for development;
  - Applicant should provide a combination wall, berm, and landscaping (similar to the one provided along the right of way of Maryland Route 28 by the developers of Kentlands) next to Sam Eig Highway and the proposed interchange;
  - Lot sizes that conform to the County standard for TDR requirement of Montgomery County as mentioned above;
  - Provide single-family detached units and lot sizes similar to Washingtonian Village on the north parcel;
  - Revise Conceptual stormwater management prior to any approval of site plan;
  - Each parcel must stand on its own for green space, parking spaces, afforestation and development requirements;
  - Afforestation areas may not overlap the green area required per dwelling unit to encourage its use in common by the occupants of the project in leisure activities.
2. The Traffic Study should be revised to incorporate and respond to the comments made in the Traffic Analysis.
3. Sewer category service should be changed to S-1 prior to preliminary site plan/subdivision.
4. If the developer chooses to take advantage of the TDR and MPDU bonus density, the developer should participate in those programs.
5. The applicant should participate in the Art in Public Places program.
6. The applicant should provide a Staging Plan concerning the impact of the development on schools based on the City's Master Plan Education Theme.

7. The architectural elevation should show brick construction on all three sides of the townhouse units and four sides for single-family detached.
8. Crown Farm Drive should be improved with dedication to a full 60 feet of right of way providing paving for two lanes of travel and parking on both sides of the street, with curb and gutter, street trees, lighting and sidewalk on both sides.
9. The City and the applicant need to meet with the transit authority to evaluate locations for bus shelters both north and south of Diamondback Drive prior to preliminary approval.

INDEX OF MEMORANDA

X-181 - CROWN FARM POINT ANNEXATION

16.2903 ACRES

(North Gaithersburg Investment, LLC)

No.

- 1) Application for Annexation filed November 5, 2004 (also marked as "Attachment 1" [as referred to in letter from Barbara Sears of Linowes and Blocher dated 11/05/04])
- 2) Letter (3-pages) to Mayor and City Council from Barbara A. Sears (Linowes and Blocher), dated November 5, 2004
- 3) Typed Petition for Annexation (2 pages of text and 3 pages of Notary Certification) Before the Mayor and City Council (also marked as "Attachment 2" [as referred to in letter from Barbara Sears of Linowes and Blocher dated 11/05/04])
- 4) Metes and Bounds Description Property of James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson, Liber 10251 at Folio 266 (4 pages document) as prepared by Patton Harris Rust & Associates, dated October 8, 2004 (also marked as Exhibit "A" [as referred to in Petition for Annexation Before the Mayor & City Council ---"Attachment 2"])
- 5) Site Plan Drawings (total of 8 sheets) as prepared by Patton Harris Rust & Associates, dated November 4, 2004 to include: Sheet 1 of 4 entitled, *Cover Sheet*; Sheet 2 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 3 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 4 of 4 entitled, *Detail Sheet*; Sheet 1 of 2 entitled, *Conceptual Landscape Plan*; Sheet 2 of 2 entitled, *Conceptual Landscape Plan*; Sheet 1 of 2 entitled, *Preliminary Forest Conservation Plan*; Sheet 2 of 2 entitled, *Preliminary Forest Conservation Plan* (also marked as Exhibit "B" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])
- 6) Copy of Tax Map FS342, with property outlined (also marked as Exhibit "c" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])

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X-181

Crown Farm Point Annexation

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- 7) \* Certified copy of Montgomery County Zoning Map (b&w) as prepared by the Maryland National Capitol Park and Planning Commission/Montgomery County Planning Department (to include adopted zoning updates thru 06/11/96), signed by M-NCPP representative and dated September 24, 2004 (also marked as Exhibit "D" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])
- 8) Property Boundary Survey as prepared by Patton Harris Rust & Associates, dated October 8, 2004 of Liber 10251, Folio 266 (also marked as Exhibit "E" [as referred to in the Petition for Annexation Before the Mayor & City Council----"Attachment 2"])
- 9) Complete List of Property Owners (1-page, undated) 266 (also marked as "Attachment 3" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 10) Metes and Bounds Description Property of James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson, Liber 10251 at Folio 266 (4 pages document) as prepared by Patton Harris Rust & Associates, dated October 8, 2004 (also marked as "Attachment 4" [as referred to in letter from Barbara Sears of Linowes and Blocher , dated November 5, 2004])
- 11) Property Boundary Survey as prepared by Patton Harris Rust & Associates, dated October 8, 2004 of Liber 10251, Folio 266 (also marked as "Attachment 5" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 12) Site Vicinity Map (8-1/2" x 11" single page) (also marked as "Attachment 6" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 13) List of Adjoining and Confronting Property Owners (4 pages), dated November 5, 2004 (also marked as "Attachment 7" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 14) Crown Farm Petition for Annexation—General Background Information on the Property (2 pages), as prepared by Patton Harris Rust & Associates, dated October 14, 2004 (also marked as "Attachment 8" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])

- 15) Site Plan Drawings (total of 8 sheets) as prepared by Patton Harris Rust & Associates, dated November 4, 2004 to include: Sheet 1 of 4 entitled, *Cover Sheet*; Sheet 2 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 3 of 4 entitled, *Conceptual/Preliminary Plan*; Sheet 4 of 4 entitled, *Detail Sheet*; Sheet 1 of 2 entitled, *Conceptual Landscape Plan*; Sheet 2 of 2 entitled, *Conceptual Landscape Plan*; Sheet 1 of 2 entitled, *Preliminary Forest Conservation Plan*; Sheet 2 of 2 entitled, *Preliminary Forest Conservation Plan* (also marked as "Attachment 9" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 16) Site Plan Drawing (total of 1 sheet) as prepared by Patton Harris Rust & Associates, dated October 14, 2004: Sheet 1 of 1 entitled, *Natural Resource Inventory/Forest Stand Delineation* (also marked as "Attachment 10" [as referred to in letter from Barbara Sears of Linowes and Blocher, dated November 5, 2004])
- 17) Cover Sheet for Mayor and Council Meeting date of November 15, 2004, as Prepared by Trudy Schwarz, Community Planning Director, (with related Attachments)
- 18) Sediment Control and Stormwater Management Application, as filed on November 15, 2004
- 19) Transmittal of "1 Set of Site Plans" to City's Department of Public Works, Parks Maintenance & Engineering from Trudy Schwarz, Community Planning Director, dated November 12, 2004
- 20) Transmittal of "1 Site Plan" to Jeffrey Riese from Trudy Schwarz, Community Planning Director, dated November 16, 2004
- 21) Outline of Public Facilities – X181
- 22) Letter, dated November 18, 2004, requesting publication of the Notice of Public Hearing of X-181 for the Planning Commission in the November 17, 2004 issue of the *Gaithersburg Gazette* and attached e-mail and fax confirmation sheet
- 23) Letter, dated November 18, 2004, requesting publication of the Notice of Public Hearing of X-181 for the Mayor and City Council in the December 15, 22, and 29, 2004 and January 5, 2005 issues of the *Gaithersburg Gazette* and attached fax confirmation sheet

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Crown Farm Point Annexation

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- 24) Notice of Planning Commission December 1, 2004 Public Hearing as sent November 17, 2004
- 25) Notice of Mayor and City Council February 7, 2005 Public Hearing as sent November 17, 2004
- 26) List of property owners notified for both hearings
- 27) Certified copy of the Notice of Planning Commission Public Hearing as it appeared in the November 17, 2004 issue of the *Gaithersburg Gazette*
- 28) Copy of Email (2-page document) to [plancode@gaithersburgmd.gov](mailto:plancode@gaithersburgmd.gov) (salutation reads "Dear Commission Members") from Stephen A. Morton, III, regarding Crown Farm – Hearing 1 Dec. 2004, dated November 24, 2004
- 29) Revised Site Plan (1-page document) entitled, "*Cover Sheet, Crown Farm,*" as prepared by Patton Harris Rust & Associates, PC, as received by City planning staff on November 29, 2004, listing a drawn of November 4, 2004
- 30) Letter (2-page document) to "Members" (undated---but stamped as received by Planning & Code Administration on November 30, 2004) regarding "Annexation of land parcels P-458 & P-619 File #X181 Locations: Sam Eig Highway & Diamondback Drive"
- 31) Letter (1-page document) to "Gaithersburg Mayor and City Council" from Ali Tahriri and Farzaneh Vassef, dated November 29, 2004
- 32) Letter (1-page document) to "Montgomery County Planning Board" from Ali Tahriri and Farzaneh Vassef, dated November 29, 2004
- 33) Copy of Email (1-page document) to [plancode@gaithersburgmd.gov](mailto:plancode@gaithersburgmd.gov) from Jim Michalowski, regarding "Annexation of Two Posted Crown Family Properties— Corner of Sam Eig & Diamondback," dated December 1, 2004

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- 34) Copy of Email (3-page document) to [plancode@gaithersburgmd.gov](mailto:plancode@gaithersburgmd.gov) and [cityhall@gaithersburgmd.gov](mailto:cityhall@gaithersburgmd.gov) (salutation reads "To the Attention of: The City of Gaithersburg – Planning Commission, The City of Gaithersburg – Mayor and City Council, Mr. Derick Berlage, Chairman, Montgomery County Planning Board, and The Montgomery County Council (lists individual Council names) from Mark Hackman, regarding Annexation X-181 Crown Farm Point," dated December 1, 2004
- 35) Appendix A of the *1990 Gaithersburg Vicinity Master Plan Shady Grove Study Area*, Intersection Analysis

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Record Received by Planning Commission as of the December 1, 2004 Hearing

- 36) *1997 City of Gaithersburg Neighborhood Three land Use Plan*
- 37) *1997 City of Gaithersburg Housing Policy*
- 38) *1997 City of Gaithersburg Transportation Plan*
- 39) Portions of the *July 1990 Gaithersburg Vicinity Master Plan Amendment Stage III Shady Grove Study Area*
- 40) Quince Orchard Cluster information
- 41) Natural Resource Inventory and Forest Stand Delineation Application received December 1, 2004
- 42) Copy of Application fee check
- 43) Letter to Erica Shingara, dated November 30, 2004, from Nat Ballard, PHR&A, transmitting NRI Application
- 44) Letter to Paul Peditto, dated November 29, 2004, from Nat Ballard, PHR&A re: Rare and Threatened Species
- 45) Natural Resource Inventory / Forest Stand Delineation Crown Farm Plan
- 46) E-mail from Karen Mcelyea, received December 5, 2004, re: X-181
- 47) Letter (8 pages) to Planning Commission, from Barbara Sears of Linowes and Blocher, dated December 10, 2004

- 48) Revised Concept/Preliminary Plan (8 pages) , prepared by Patton, Harris, Rust & Associates, received December 10, 2004 (also marked as Attachment “A” [as referred to in a letter from Barbara Sears of Linowes and Blocher dated December 10, 2004] )
- 49) Land Use Analysis, prepared by Patricia Monday of Patton, Harris, Rust & Associates received December 10, 2004 (also marked as Attachment “B” [as referred to in a letter from Barbara Sears of Linowes and Blocher dated December 10, 2004]
- 50) Resume of Patricia Monday, dated and received December 10, 2004 (also marked as Attachment “C” [as referred to in a letter from Barbara Sears dated 12-10-1004] )
- 51) Surrounding Area Density Comparison Aerial Photograph prepared by Patton, Harris, Rust & Associates and received December 10, 2004 (marked Attachment D [letter from Barbara Sears dated 12-10-2004] )
- 52) Density Study Comparison Chart prepared by Patten, Harris, Rust & Associates received December 10, 2004 (marked as Attachment “E” [letter from Barbara Sears dated 12-10-2004] )
- 53) Pedestrian Circulation Plan and Site and Surrounding Area Photographs, taken on December 3, 2005 by Patton, Harris, Rust & Associates ( marked as Attachment “F” [in letter from Barbara Sears dated 12-10-2004] )
- 54) Illustrative Elevations (two photo boards and one rendered (as Attachment “G” [in letter from Barbara Sears dated 12-10-2004] )
- 55) Site Earthwork Estimates, prepared by Patton, Harris, Rust & Associates (Attachment “H” [in letter from Barbara Sears dated 12-10-2004] )
- 56) Statement addressing how the Crown Farm Project is consistent with the 2003 City of Gaithersburg Master Plan (excerpt from letter of Barbara Sears dated 12-10-2004)
- 57) Traffic Impact Analysis, prepared by The Traffic Group (Attachment “I” [in letter from Barbara Sears dated 12-10-2004] )

- 58) Accident Data Analysis for the Sam Eig Highway and Diamondback Drive Intersection, prepared by the Traffic Group (Attachment "J" [in letter from Barbara Sears dated 12-10-2004] )
- 59) Analysis by the Traffic Group of the 1990 Shady Grove Study Area Master Plan illustrative diagram of a possible separated grade interchange at Sam Eig Highway and Diamondback Drive (Attachment "K" [in letter from Barbara Sears dated 12-10-2004] )
- 60) Traffic Noise analysis, prepared by Phoenix Noise & vibration LLC, dated December 9, 2004 (Attachment "L" [in letter from Barbara Sears dated 12-10-2004] )
- 61) Statement addressing student generation for the proposed project and school cluster capacity dated June 25, 2004 (Attachment "M" [in letter from Barbara Sears dated 12-10-2004] )
- 62) Excerpt from the Montgomery County Public Schools FY 22005-2010 Capital Improvement Program for the Quince Orchard Cluster (Attachment "N" [in letter from Barbara Sears dated 12-10-2004] )
- 63) Letter to the Planning Commission from Dennis Rodrigues and Christine Ireland dated December 8, 2004, requesting retention of current zoning designation
- 64) Letter to the Mayor and City Council from Dennis Rodrigues and Christine Ireland dated December 8, 2004, requesting retention of current zoning designation
- 65) Letter to the Mayor and City Council dated December 14, 2004, from Bruce Blumberg of Abaris Realty requesting retention of County building restrictions
- 66) X-181 Annexation Analysis from Paul Brounstein and Nancy Ostrove, received December 27, 2004
- 67) Letter with attachment, received January 3, 2005, from Carol Martin, 23 Norwich Court
- 68) Letter, received January 3, 2005, from Raymond Matkowski, 1 Watch Hill Court
- 69) Letter, received January 3, 2005, from Michael Fordham Dennis, President, Board of Directors, Timberbrook Condominium

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- 70) Letter to Planning Commission, received January 3, 2005, from Roman and Polina Vladimirsky, 5 Watch Hill Place
- 71) Letter to Mayor and City Council, received January 4, 2005, from Roman and Polina Vladimirsky, 5 Watch Hill Place
- 72) Letter, received January 4, 2005, from Paul Stynchcomb, Brower, Kriz & Stynchcomb, LLC
- 73) Letter, received January 4, 2005, from Michael A. McCoy and Linda H. McCoy, 5 Gibson Place
- 74) Letter, received January 4, 2005, from Philip Kaplan, 13 Gibson Place
- 75) Letter, received January 4, 2005, from Robin Cheris, 11 Gibson Place
- 76) Letter, received January 4, 2005, from Zita Correa, 6 Gibson Court
- 77) Letter, received January 4, 2005, from Raquel Correa, 6 Gibson Court
- 78) Letter, received January 4, 2005, from Sierra Correa, 6 Gibson Court
- 79) Letter, received January 4, 2005, from Craig A. Correa, 6 Gibson Court
- 80) Letter, received January 4, 2005, from W. Kent Howard, 7 Gibson Place
- 81) Letter, received January 4, 2005, from Howard Cheris, 11 Gibson Place
- 82) Letter, received January 4, 2005, from Carolyn Connors-Howard, 7 Gibson Place
- 83) Letter, received January 5, 2005, from Nancy Sforza Stevenson, PMD Management Consultants
- 84) Letter, received January 5, 2005, from Shireen Ambush, Property Manager (Abaris Realty, Inc.), Amberfield Home Owners Association
- 85) Annexation X-181 11" X 17" Site Plan showing impact of Master Plan Interchange at Diamondback Drive and Sam Eig Highway
- 86) 1992 Memorandum of Understanding between Montgomery County, City of Gaithersburg and City of Rockville

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- 87) Letter, received January 5, 2005, from Barbara Sears, Linowes and Blocher, LLP, amending the boundaries of the subject annexation
- 88) Amended Metes and Bounds Description prepared by Patton Harris Rust and Associates
- 89) Amended Boundary Survey prepared by Patton Harris Rust and Associates
- 90) Amended Draft Resolution of Annexation for Petition X-181
- 91) Letter to the Mayor and City Council, received January 4, 2005, from W. Kent Howard, 7 Gibson Place
- 92) Letter to the Mayor and City Council, received January 4, 2005, from Carolyn Connors-Howard, 7 Gibson Place
- 93) Letter to the Mayor and City Council, received January 4, 2005, from Michael A. McCoy and Linda H. McCoy, 5 Gibson Place
- 94) Letter to the Mayor and City Council, received January 4, 2005, from Craig A. Correa, 6 Gibson Court
- 95) Letter to the Mayor and City Council, received January 4, 2005, from Raquel Correa, 6 Gibson Court
- 96) Letter to the Mayor and City Council, received January 4, 2005, from Zita Correa, 6 Gibson Court
- 97) Letter to the Mayor and City Council, received January 4, 2005, from Philip Kaplan, 13 Gibson Place
- 98) Letter to the Mayor and City Council, received January 4, 2005, from Robin Cheris, 11 Gibson Place
- 99) Letter to the Mayor and City Council, received January 4, 2005, from M.A. Tahriri, 1 Gibson Place
- 100) Letter to the Mayor, received January 4, 2005, from Leon Gerskovic, 13 Red Kiln Court

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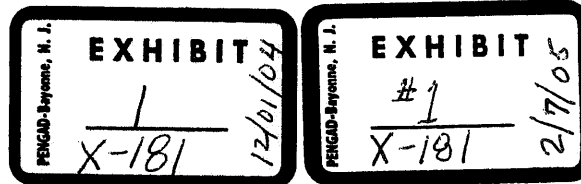
- 101) Minutes of the December 1, 2004, Planning Commission Meeting, X-181 Public Hearing
- 102) Letter, dated January 6, 2005, requesting publication of the Notice of Public Hearing of X-181 with the amended acreage of 16.2903 for the Mayor and City Council February 7, 2005 meeting in the January 12 and 19, 2005 issue of the *Gaithersburg Gazette* and attached e-mail and fax confirmation sheet
- 103) Certified copy of the Notice of Public Hearing for the February 7, 2005 Mayor and City Council
- 104) CPC- Staff Analysis for Annexation Petition X-181

**End of Record Received by Planning Commission by January 7, 2005**

---

- 105) Notice of Public Hearing of X-181 with the amended acreage of 16.2903 for the Mayor and City Council February 7, 2005 meeting as sent January 10, 2005
- 106) List of property owners notified with the amended acreage for the for the Mayor and City Council February 7, 2005 meeting
- 107) Letter, received January 12, 2005, from Abaris Realty, Inc on behalf of Washingtonian Towns Homeowners Association
- 108) Transcript of the Planning Commission's December 1, 2004, Public Hearing
- 109) CPC- Planning Commission's recommendation to the Mayor and City Council on Annexation Petition X-181

## ANNEXATION APPLICATION



Application No. X-181  
 Date Filed 11-5-04  
 Legal Ad: PC \_\_\_\_\_  
 M&C \_\_\_\_\_  
 PC Hearing \_\_\_\_\_  
 PC Recommendation \_\_\_\_\_  
 M&C Hearing \_\_\_\_\_  
 M&C Decision \_\_\_\_\_  
 Decision Date \_\_\_\_\_  
 Effective Date \_\_\_\_\_

This application must be typewritten or printed clearly and submitted to the Planning and Code Administration for filing. All items must be completed and all required documents shown on the checklist must accompany this application.\*

**PROPERTY KNOWN AS** Part of Lorraine Crown, Charles O. Crown and Catherine V. Stinson Property

**Location** Northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive

**Size (acres/sq.ft.)** 13.18 acres

**Tax Sheet** FS 342 **Parcel(s)/Lot/Block** Parcels P458 and P619

**Tax Account Number(s)** 09-02952026/ 09-02952015/

**Present County Zoning (incl. TDR, if applicable)** R-200/TDR-5 **Requested Zoning** RP-T

**Requested Density (if applicable)** 6.07 units/acre (80) units

**Proposed use after annexation** Residential - townhouses

**PROPERTY OWNER(S)** Lorraine Crown, Charles O. Crown, Catherine V. Stinson

**Address** 9410 Fields Road, Gaithersburg, Maryland 20878

**Applicant's Representative** Lorraine Crown **Phone** \_\_\_\_\_

**Address** 9410 Fields Road, Gaithersburg, Maryland 20878

**Contract Purchaser** North Gaithersburg Investment, LLC **Phone** (301) 252-3170

**Address** 2401 Research Blvd., Suite 202, Rockville, Maryland 20850

**Contact Person** Barbara A. Sears, Linowes and Blocher LLP **Phone** (301) 961-5157

\*\* Lorraine Crown 10/20/04 \*\* Charlie O Crown 10/20/04  
 Lorraine Crown Date Charles O. Crown Date

\*\* Catherine V Stinson 10/20/04 \*\*  
 Catherine V. Stinson Date

\* This annexation application is not a substitute for the annexation petition, submission of which is required by State Law.

## ANNEXATION APPLICATION CHECKLIST

An informal meeting with the Planning and Code Administration Director or designated staff person shall precede the submission of this application.

**Submit application (on reverse side) and the following information:**

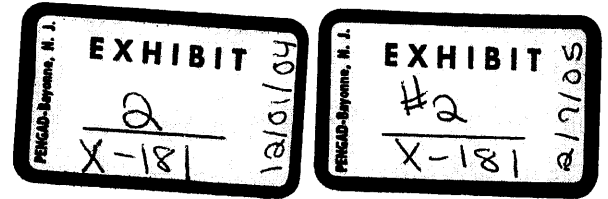
- ☐ 1. Notarized **Petition for Annexation** (see directions below)
- ☐ 2. Complete **list of owners** with respective addresses and ownership parcel numbers
- ☐ 3. **Metes and Bounds description** of property
- ☐ 4. **Boundary Survey** prepared by a registered land surveyor
- ☐ 5. **Vicinity Map** showing location of subject property
- ☐ 6. **Names and addresses** of adjacent property owners within 200 feet
- ☐ 7. **General information** on property, including but not limited to the following:  
County Master Plan and zoning; site characteristics; utilities; existing land use(s); and description, condition and age, if known, of all structures on-site
- ☐ 8. **Conceptual Site Plan** (optional)
- ☐ 9. **Tree Stand Delineation** (only if number 8 is provided)

## THE PETITION FOR ANNEXATION

Sample petitions have been attached. The petition should incorporate the following:

- ☐ 1. Name of petitioner(s)
- ☐ 2. Verification that petitioner is owner of not less than 25% of property to be annexed
- ☐ 3. Names and addresses of registered voters in residence at property
- ☐ 4. Location of property
- ☐ 5. Size of property
- ☐ 6. Legal description of property(s)
- ☐ 7. Statement formally requesting annexation into the City of Gaithersburg
- ☐ 8. Statement that request is "pursuant to Article 23A, Section 19 of the Annotated Code of Maryland"
- ☐ 9. Statement that "subject property is contiguous to and adjoining the existing corporate boundaries of the City of Gaithersburg"
- ☐ 10. Request for reclassification of zoning
- ☐ 11. Notary attestation

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW



November 5, 2004

Barbara A. Sears  
301.961.5157  
bas@linowes-law.com

***BY HAND DELIVERY***

The Honorable Sidney Katz  
and Members of the City Council  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, Maryland 20877

Re: Annexation of 13.18 Acres Located at the Northwest and Southwest Quadrants of the  
Intersection of Sam Eig Highway with Diamondback Drive

Dear Mayor Katz and Members of the Council:

North Gaithersburg Investment, LLC is the contract purchaser of 13.18 acres of land (the "Property") owned by James F. Crown ("Owner" or "Petitioner") and located at the northwest and southwest quadrants of the intersection of Sam Eig Highway with Diamondback Drive as shown in the attached Annexation Application. The Property is currently located outside the municipal boundaries of the City of Gaithersburg and is in the single-family residential R-200/TDR-5 Zone in Montgomery County, Maryland.

The Approved and Adopted Gaithersburg Vicinity Master Plan (January 1985), as updated by the Approved and Adopted Shady Grove Study Area Master Plan (July 1990) recommend development of the Property with residential uses under the R-200/TDR-5 Zone. The Property is also part of the City of Gaithersburg Crown Farm Special Study Area (Study Area Four), for which recommendations have yet to be completed. The Property is within the maximum expansion limits (MELs) of the City of Gaithersburg, and annexation of the Property will provide a uniform corporate boundary for the City of Gaithersburg along Sam Eig Highway.

North Gaithersburg Investment, LLC proposes development of the Property with eighty (80) single-family townhouse units. The City has recommended that the development occur under the Medium-Density Residential RP-T Zone. The Property is currently unimproved.

The Honorable Sidney Katz  
and Members of the City Council  
November 5, 2004  
Page 2

The purpose of this letter is to submit the attached Annexation Application for the Property, including the Petition for Annexation and all other information required to file and process this annexation request on behalf of the Owner.

The following materials are included as a part of this Annexation Application:

- |                       |                                                                 |
|-----------------------|-----------------------------------------------------------------|
| <u>Attachment 1.</u>  | Completed Annexation Application                                |
| <u>Attachment 2.</u>  | Petition for Annexation                                         |
| <u>Attachment 3.</u>  | Complete list of the owners of the Property                     |
| <u>Attachment 4.</u>  | Metes and bounds description of the Property                    |
| <u>Attachment 5.</u>  | Boundary survey of the Property                                 |
| <u>Attachment 6.</u>  | Vicinity Map showing the location of the Property               |
| <u>Attachment 7.</u>  | Names and addresses of adjacent property owners within 200 feet |
| <u>Attachment 8.</u>  | General Information on the Property                             |
| <u>Attachment 9.</u>  | Conceptual Site Plan                                            |
| <u>Attachment 10.</u> | Tree Stand Delineation                                          |

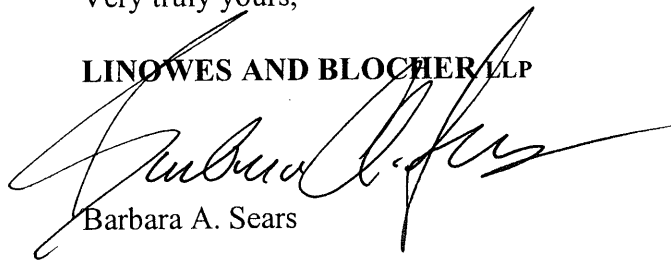
Thank you for your consideration. We look forward to working with you in creating the most efficient and effective process for achieving this annexation, and respectfully request that the Application be scheduled for joint public hearings before the Mayor and Council and City Planning Commission.

The Honorable Sidney Katz  
and Members of the City Council  
November 5, 2004  
Page 3

If you have any questions concerning the enclosed materials, or if additional information is required, please contact us.

Very truly yours,

**LINOWES AND BLOCHER LLP**

A handwritten signature in black ink, appearing to read 'Barbara A. Sears', is written over the printed name.

Barbara A. Sears

Enclosures

cc: Mr. Greg Ossont  
Cathy G. Borten, Esq.  
Joseph P. Lapan, Esquire  
Mr. Aris Mardirossian  
Mr. Steven L. Lebling

BEFORE THE MAYOR AND COUNCIL  
OF THE CITY OF GAITHERSBURG

PETITION FOR ANNEXATION

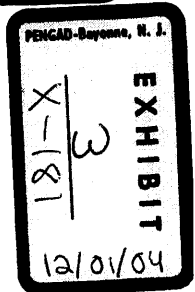
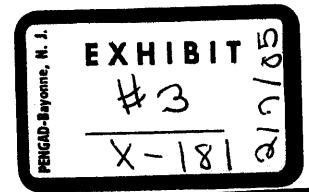
Pursuant to Section 19 of Article 23A of the Annotated Code of Maryland, Petitioners, Lorraine Crown, Charles O. Crown and Catherine V. Stinson petition the Mayor and Council of the City of Gaithersburg, Maryland to annex certain property into the corporate limits of the City of Gaithersburg. In support of this Petition, Petitioners state the following:

1. The property which is the subject of this Petition consists of 13.18 acres located at the northwest and southwest quadrants of the intersection of Sam Eig Highway with Diamondback Drive. The Property is known as Parcels P458 and P619 as shown on Montgomery County Tax Map FS342, and is more particularly described in the metes and bounds description attached hereto and made a part hereof as Exhibit "A".

2. The Property is contiguous and adjoining to the existing corporate area of the City of Gaithersburg.

3. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Gaithersburg, real property proposed to be within the City of Gaithersburg as a result of the proposed annexation, or any combination of any such properties.

4. The entire Property is owned jointly by Lorraine Crown, Charles O. Crown and Catherine V. Stinson. The Property is unimproved, and no persons registered as voters in the County reside on the Property. Accordingly, no additional consent is necessary for this Petition.



5. The Property is within the maximum expansion limits of the City of Gaithersburg, and annexation of the Property will provide a uniform corporate boundary for the City of Gaithersburg along Sam Eig Highway.

6. The Property is currently classified in the single-family residential R-200/TDR Zone in Montgomery County, Maryland. The adopted Shady Grove Study Area Master Plan, which amended the Montgomery County Gaithersburg Vicinity Master Plan, recommends that the Property be developed in accordance with the R-200/ TDR-5 Zone. The City of Gaithersburg has recommended that the Property be initially classified in the RP-T Zone.

7. The Petition proposes that the Property be developed with eighty (80) townhouse dwelling units. A conceptual site plan showing the proposed development of the Property is attached hereto and made a part hereof as Exhibit "B".

8. In support of this Petition, Petitioners submit the following exhibits:

Exhibit "A": Legal description of the Property;

Exhibit "B": Concept site plan depicting the proposed development of the Property;

Exhibit "C": Tax Map FS342, with the Property outlined in yellow;

Exhibit "D": Certified copy of the official zoning map for Montgomery County indicating the current R-200/TDR zoning classification of the Property; and

Exhibit "E": Boundary survey of the Property.

WHEREFORE, Lorraine Crown, Charles O. Crown, and Catherine V. Stinson respectfully request that the Mayor and Council of the City of Gaithersburg initiate all steps necessary for final enactment of a Resolution annexing the Property into the corporate boundaries of the City of Gaithersburg.

WITNESS:

Frank J. Conneli

LORRAINE CROWN

By: Lorraine Crown  
Lorraine Crown

\* \* \*

STATE OF MARYLAND

\*

\* to wit:

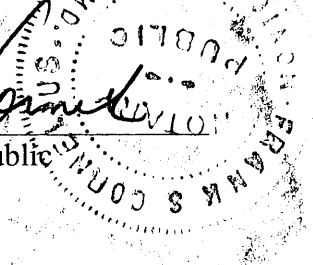
\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Lorraine Crown known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Conneli  
Notary Public



My Commission Expires: 4/1/08

[NOTARIAL SEAL]

WITNESS:

Frank J. Corneli

CHARLES O. CROWN

By: Charles O. Crown  
Charles O. Crown

\* \* \*

STATE OF MARYLAND

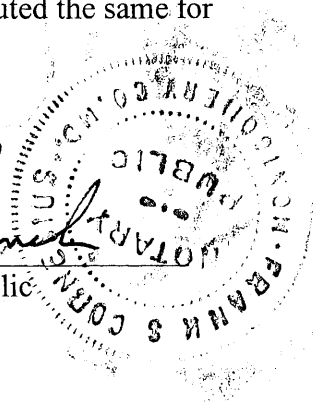
\*  
\* to wit:  
\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Charles O. Crown, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Corneli  
Notary Public



My Commission Expires: 4/1/08

[NOTARIAL SEAL]

WITNESS:

Frank J. Lomel

CATHERINE V. STINSON

By: Catherine V. Stinson  
Catherine V. Stinson

\* \* \*

STATE OF MARYLAND

\*

\* to wit:

\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Catherine V. Stinson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Lomel  
Notary Public

My Commission Expires: 4/1/08

[NOTARIAL SEAL]

PATTON HARRIS RUST & ASSOCIATES

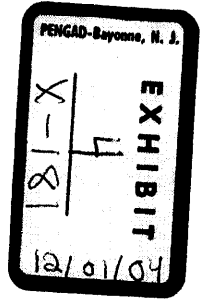
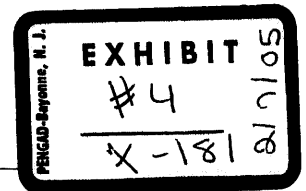
**Metes and Bounds Description**  
**Property of**  
**James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson**  
**Liber 10251 at Folio 266**

BEING two certain parcels of land, situated along Sam Eig Highway, Diamondback Drive and Fields Road, in the Gaithersburg (9<sup>th</sup>) Election District Montgomery County, Maryland, said parcels being part of the lands conveyed by Robert Franklin Crown to James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson by deed dated September 21, 1988 and recorded among the Land Records of Montgomery County, Maryland (all title references hereinafter refer to said Land Records) in Liber 10251 at Folio 266, said parcels are more particularly described as follows, in accordance with a boundary survey prepared by Patton Harris Rust & Associates dated October 8, 2004:

Parcel "A"

BEGINNING for Parcel "A" at a capped iron pipe found at the beginning of parcel "A" of the aforesaid Liber 10251 at Folio at Folio 266, said point also being at the end of curve No. 2 as shown on "Plat No. 4, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation Right-of-Way Plat file No. 256); thence running with the outlines of parcel "A" of said Liber 10251 at Folio 266 the following sixteen courses and with said Right-of-Way line of Sam Eig Highway the following two courses, referring the courses of this description to the Maryland Coordinate System (NAD 83/91):

- 1) 277.36 feet along the arc of a tangent curve to the left having a radius of 15,888.02 feet, a central angle of 01° 00' 01" and subtended by a chord bearing and distance of South 29° 30' 31" West, 277.35 feet to a capped iron pipe found, and
- 2) 270.71 feet along the arc of a tangent curve to the left having a radius of 3,891.73 feet, a central angle of 03° 59' 08" and subtended by a chord bearing and distance of South 27° 00' 57" West, 270.66 feet to a capped iron pipe found; thence running with the line of truncation to Fields Road South (Diamondback Road)
- 3) 240.52 feet along the arc of a tangent curve to the right having a radius of 135.00 feet, a central angle of 102° 04' 28" and subtended by a chord bearing and distance of South 76° 03' 43" West, 209.94 feet to a capped iron pipe found on the northerly right-of-way of Fields Road South as shown on "Plat No. 5, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation Right-of-Way Plat file No. 257); thence running with the northerly right-of-way line of Fields Road South the following two courses:
- 4) North 52° 53' 57" West, 72.58 feet to a capped iron pipe found,



- 5) 329.21 feet along the arc of a tangent curve to the left having a radius of 879.51 feet, a central angle of  $21^{\circ} 26' 46''$  and subtended by a chord bearing and distance of North  $63^{\circ} 37' 21''$  West, 327.29 feet to a capped iron rebar set; thence running with the line of truncation to Story Drive
- 6) North  $41^{\circ} 57' 15''$  West, 44.20 feet to a capped iron rebar set; thence leaving the northerly right-of-way line of Fields Road South and running with the easterly right-of-way line of Story Drive as shown on "Plat No. 6, Right-of-Way Plat, Sam Eig Highway (Montgomery County Department of Transportation RIGHT-of-Way Plat file No. 258, the following two courses:
- 7) North  $01^{\circ} 13' 08''$  West, 54.59 feet to a capped iron rebar set, and
- 8) 133.50 feet along the arc of a tangent curve to the left having a radius of 335.00 feet, a central angle of  $22^{\circ} 50' 00''$  and subtended by a chord bearing and distance of North  $12^{\circ} 38' 06''$  West, 132.62 feet to a capped iron rebar set; thence running with the line of truncation to Fields Road
- 9) North  $29^{\circ} 19' 17''$  East, 50.55 feet to a capped iron rebar set on the southerly right-of-way line of Fields Road as shown on the aforesaid Right-of-Way Plat No. 6; thence running with said right-of-way line of Fields Road the following seven courses:
- 10) 37.24 feet along the arc of a tangent curve to the right having a radius of 125.00 feet, a central angle of  $17^{\circ} 04' 06''$  and subtended by a chord bearing and distance of North  $76^{\circ} 58' 39''$  East, 37.10 feet to a capped iron rebar set,
- 11) North  $85^{\circ} 30' 42''$  East, 46.15 feet to a , capped iron rebar set,
- 12) North  $77^{\circ} 22' 54''$  East, 35.36 feet to a capped iron rebar set,
- 13) North  $04^{\circ} 29' 18''$  West, 13.71 feet to a capped iron rebar set,
- 14) North  $85^{\circ} 00' 08''$  East, 75.73 feet to a capped iron rebar set,
- 15) North  $85^{\circ} 00' 08''$  East 289.75 feet to a capped iron rebar set, and
- 16) North  $87^{\circ} 15' 10''$  East, 370.13 feet to the place of beginning.

THE area of land contained by the foregoing amounts to 308,051 square feet, or 7.0719 acres of land, more or less, together with and subject to appurtenances and encumbrances of record or in use.

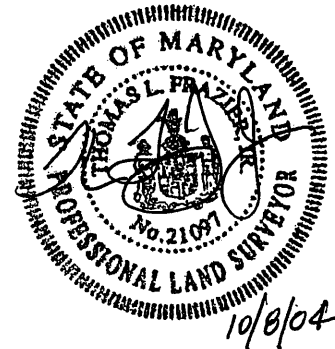
Parcel "B"

BEGINNING for Parcel "B" at a stone found at the beginning point of parcel "B" of the aforesaid Liber 10251 at Folio 266, said point also being at the beginning of the easterly or the North 09° 30' 29" West, 814.75 feet line of parcel "A" as shown on a plat titled "PART ONE, WARTHER" and recorded as Plat No. 12518; thence running and with the outlines of Parcel "B" of said Liber 10251 at Folio 266 the following twelve courses and with the easterly line of said Plat No. 12518 the following course:

- 1) North 09° 17' 47" West, 815.22 feet to a capped iron rebar set on the easterly right-of-way line of Bickerstaff Way as shown on the aforesaid Right-of-Way Plat No. 6; thence leaving the outline of the aforesaid Plat No. 12518 and running with said right-of-way line of Bickerstaff Way the following two courses:
- 2) 96.58 feet along the arc of a tangent curve to the left having a radius of 330.00 feet, a central angle of 16° 46' 03" and subtended by a chord bearing and distance of North 07° 09' 54" East, 96.23 feet to a capped iron rebar set, and
- 3) North 01° 13' 07" West, 35.61 feet to a capped iron rebar set; thence running with the line of truncation to Fields Road South
- 4) North 52° 36' 25" East, 29.51 feet to a capped iron rebar set on the southerly right-of-way line of Fields Road South as shown on the aforesaid Right-of-Way Plat No. 6, said point being South 03° 52' 55" West, 112.71 feet from the beginning of the sixth, or North 41° 57' 15" West, 44.20 feet, line of the above described Parcel "A"; thence running with said right-of-way line of Fields Road South the following five courses:
- 5) 131.98 feet along the arc of a tangent curve to the right having a radius of 769.51 feet, a central angle of 09° 49' 38" and subtended by a chord bearing and distance of South 67° 43' 12" East, 131.82 feet to a capped iron rebar set,
- 6) 85.36 feet along the arc of a tangent curve to the right having a radius of 285.00 feet, a central angle of 17° 09' 38" and subtended by a chord bearing and distance of South 54° 13' 36" East, 85.04 feet to a capped iron pipe found,
- 7) 42.12 feet along the arc of a tangent curve to the left having a radius of 315.00 feet, a central angle of 07° 39' 42" and subtended by a chord bearing and distance of South 49° 28' 34" East, 42.09 feet to a capped rebar set,
- 8) 5.37 feet along the arc of a tangent curve to the right having a radius of 757.51 feet, a central angle of 00° 24' 22" and subtended by a chord bearing and distance of South 53° 06' 04" East, 5.37 feet to a capped rebar set, and

- 9) South 52° 53' 57" East 226.47 feet to a point being South 07° 55' 15" West 0.19 feet from a capped iron pipe found; thence running with the line of truncation to Sam Eig Highway
- 10) South 10° 33' 30" East, 94.42 feet to a capped iron pipe found on the westerly right-of-way line of Sam Eig Highway, said pipe being at the end of the North 20° 03' 25" East, 85.72 feet line as shown on the aforesaid Right-of-Way Plat No. 5; thence running, in part, with said right-of-way line and, in part, with the westerly right-of-way line as shown on "Plat No. 8, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department Transportation Right-of-Way Plat file No. 287) the follow course:
- 11) South 20° 02' 53" West, 632.90 feet to a capped iron rebar set; thence leaving said right-of-way line of Sam Eig highway and running with the closing line of parcel "B" of the aforesaid Liber 10251 at Folio 266,
- 12) North 89° 37' 39" West, 111.22 feet to the place of beginning.

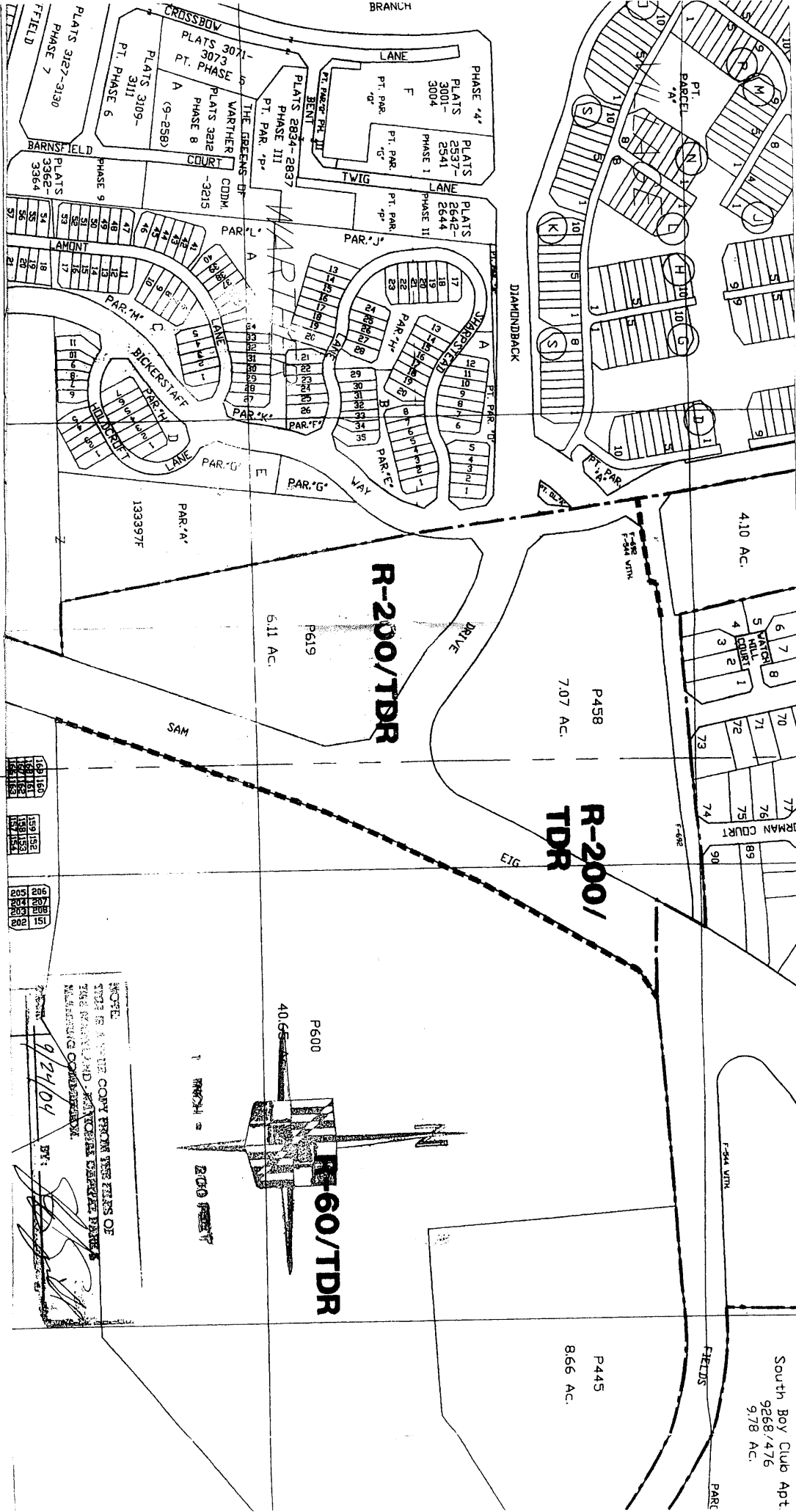
THE area of land contained by the foregoing amounts to 266,332 square feet, or 6.1141 acres of land, more or less, together with and subject to appurtenances and encumbrances of record or in use.



UPDATES
ADOPTED 2/4/86
DATED 7/10/87
DATED 6/11/96

# County Zoning Map

ing Commission:  Montgomery County Planning Department



Scale: 1"=200'

Scale: 1"=200'

EXHIBIT  
7  
12/01/04  
FENICAO-Baynes, M. J.

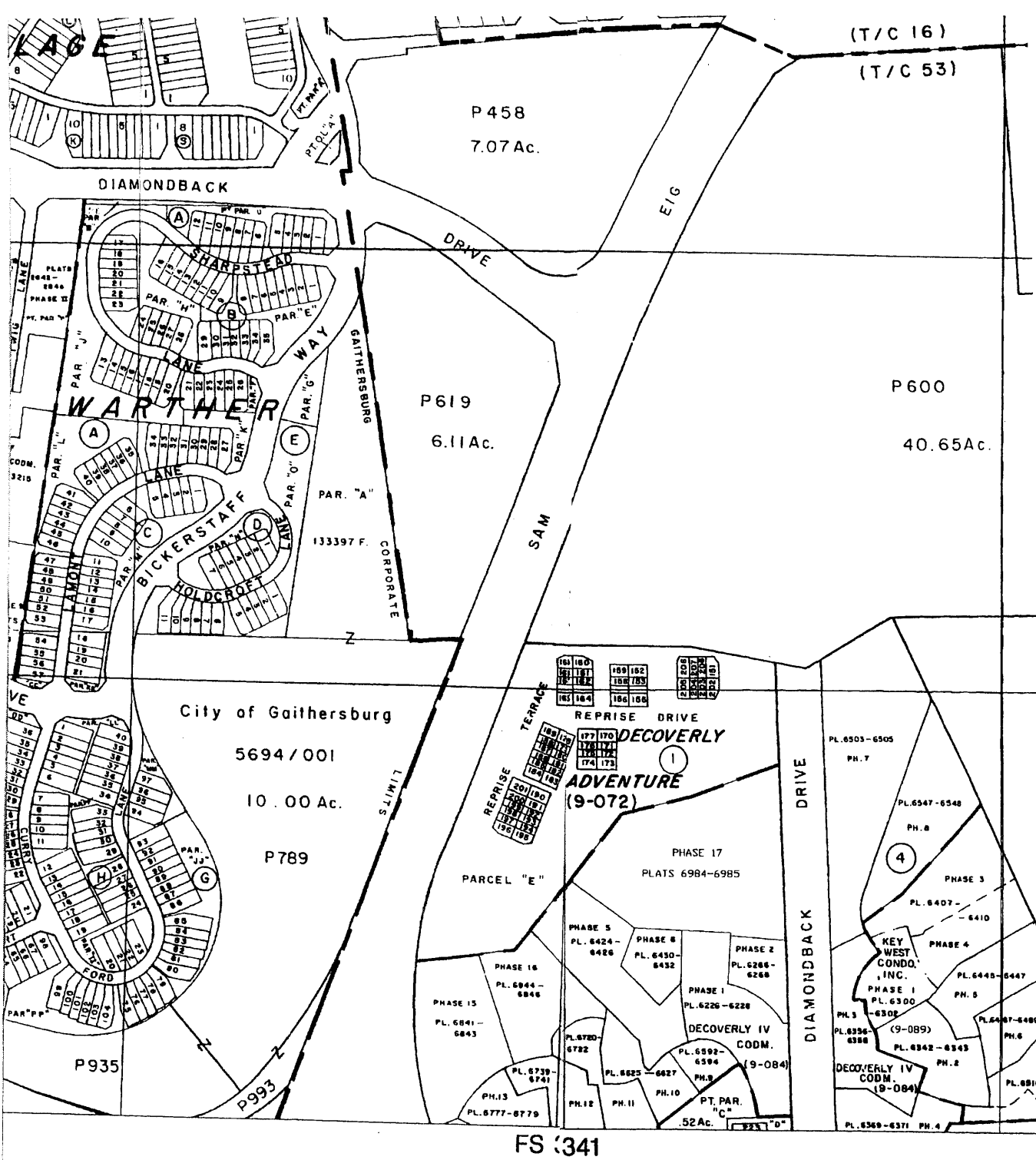
EXHIBIT  
#7  
2/7/05  
FENICAO-Baynes, M. J.

# Montgomery County

The Maryland National Capital Park and Planning Commission;

ZONING
SMA G-502 A
SMA G-566 A1
SMA G-725 A1

South Boy Club Apt.  
9268/476  
9.78 AC.



SCALE IN FEET

0 200 400

COMPILED BY: MARYLAND DEPARTMENT OF PLANNING  
PROPERTY MAPPING SECTION

The information shown on this map has been compiled from deed descriptions and plats and is not an actual survey. It should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning, Property Mapping Section, Room 1101, 301 W. Preston St., Baltimore, MD 21201-2305.

REVISOR: JON 03 DATE: LB BY: LIBER

PROPERTY LINE  
SUBDIVISION BOUNDARY  
TOWN BOUNDARY  
PRIVATE ROAD  
STREAM LINE

CONTINUING OWNERSHIP - PARCEL NUMBERING - P.M.M. (ASSIGNED TO IDENTIFY OWNERSHIP. MUST BE PRECEDED BY A MAP NUMBER.)

SCALE 1"=200' (RF 1:2400)

LAST P. NO. QUARTER QUADRANGLE DATE OF PHOTO SHA GRID

MD  
Maryland  
Department of Planning

EXHIBIT  
#6  
X-181

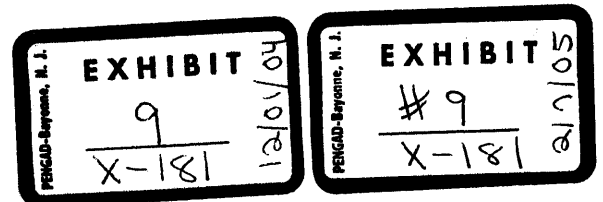
EXHIBIT  
#6  
X-181

Exhibit "C"

**COMPLETE LIST OF PROPERTY OWNERS**

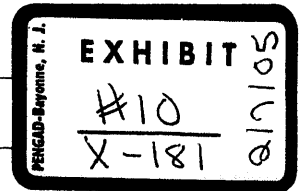
Tax Account No.	Name	Address	Lot/Parcel	Block
<b>Subject Property</b>				
02952015	Lorraine Crown Charles O. Crown Catherine V. Stinson	9410 Fields Road Gaithersburg, MD 20878	P619	
02952026	Lorraine Crown Charles O. Crown Catherine V. Stinson	9410 Fields Road Gaithersburg, MD 20878	P458	

L&B 388558v1/Author:JPL/06328.0001

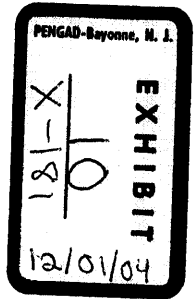




PATTON HARRIS RUST & ASSOCIATES



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**Property of**  
**James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson**  
**Liber 10251 at Folio 266**



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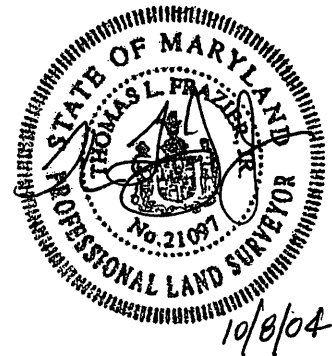
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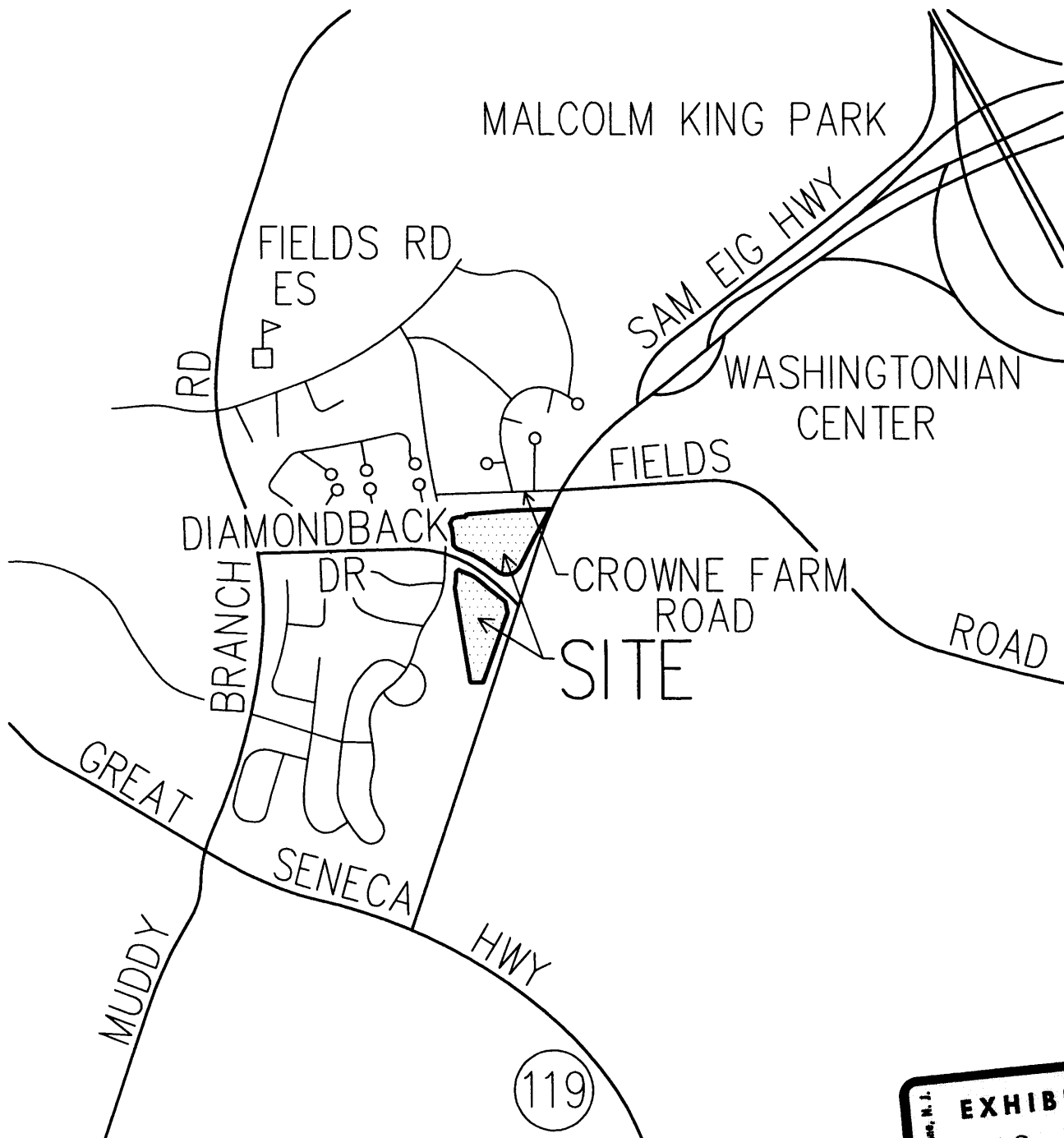
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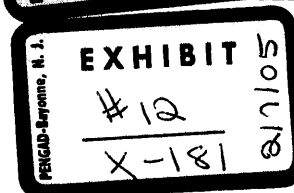
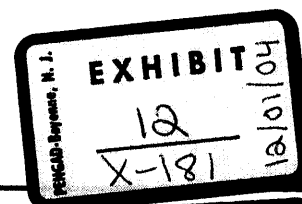
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# VICINITY MAP

SCALE: 1"=1000'

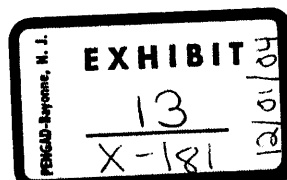
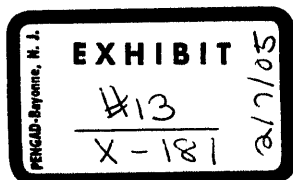




# LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS

(November 5, 2004)

Tax Account No.	Name	Address	Lot/Parcel	Block
<b>Subject Property</b>				
02952015	Lorraine Crown Charles O. Crown Catherine V. Stinson	9410 Fields Road Gaithersburg, MD 20878	P619	
02952026	Lorraine Crown Charles O. Crown Catherine V. Stinson	9410 Fields Road Gaithersburg, MD 20878	P458	
	<b>Adjacent Property Owners</b>	<b>Within 200 feet</b>		
00769292	Lorraine Crown Charles O. Crown Catherine V. Stinson	9410 Fields Road Gaithersburg, MD 20878	P600	
02952004	City of Gaithersburg	31 S. Summit Ave. Gaithersburg, MD 20877-2098	P302	
02995446	Allen, Ronald L. & D T	15439 Reprise Ter. Rockville, MD 20850	165	1
02995457	Yu, Bernard H. & Qing Yuan	15441 Reprise Ter. Rockville, MD 20850-4808	166	1
02995468	Sleppy, Keith M & Laurie M. Sherman	15443 Reprise Ter. Rockville, MD 20850	167	1
02995470	Housing Opp Comm of Mont. Co.	10400 Detrick Ave. Kensington, MD 20895	168	1
02995481	Phung, Van B. & Philip S. Chung	15447 Reprise Ter. Rockville, MD 20850-4808	169	1
02995880	Decoverly 3 <sup>rd</sup> Hmwns Assn Inc.	c/o Vanguard Mgmt Inc. PO Box 39 Germantown, MD 20875-0039	Par E	1
00845636	City of Gaithersburg	31 S. Summit Ave. Gaithersburg, MD 20877	PT OutlotA	
00845306	Krebs, Helen M et al	104 Gold Kettle Dr Gaithersburg, MD 20878	Lot 3	E
00845328	Polio, Maria	100 Gold Kettle Dr. Gaithersburg, MD 20878-2726	Lot 1	E
00844574	Cheng, Leif Chutsai & Chyong-Fang	102 Gold Kettle Dr. Gaithersburg, MD 20878-2726	Lot 2	E
00845751	City of Gaithersburg	31 S. Summit Ave Gaithersburg, MD 20877	Par D	
01835518	Shady Grove Village 3	Community Association Inc. 11820 Parklawn Dr. Rockville, MD 20852	Par A	
00845727	Shady Grove Vill Com Council Corp	C/O Mtm Management Assoc. PO Box 405 Damascus, MD 20872-0506	PT PAT A	
02016600	Matkowski, Raymond	1 Watch Hill Ct. Gaithersburg, MD 20878	1	
02015577	Fano, Katia I.	2 Watch Hill Ct. Gaithersburg, MD 20878-2858	8	



# **LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**

(November 5, 2004)

<b>Tax Account No.</b>	<b>Name</b>	<b>Address</b>	<b>Lot/Parcel</b>	<b>Block</b>
02016611	Chavez, Marco A & Doris N	3 Watch Hill Ct. Gaithersburg, MD 20878-2858	2	
02016666	Sofola, Ifeolumipo O	PSC 819 Box 18 #171 Fpothersburg, AE 09645-0018	7	
02016622	Xu, Jianhong & Jianhong Wei	5 Watch Hill Ct Gaithersburg, MD 20878-2858	3	
02016655	Hunter, Michael G & D O	6 Watch Hill Ct Gaithersburg, MD 20878	6	
02016633	Decker, Rufus G. Jr & S P	7 Watch Hill Ct Gaithersburg, MD 20878	4	
02016644	Cerruto, Rodolfo J & Vernonica	8 Watch Hill Ct Gaithersburg, MD 20878-2858	5	
02016724	Tsai, Sujen L & J	102 Watch Hill Lane Gaithersburg, MD 20878	73	
02016713	Lo, KAM C & L Y F	104 Watch Hill Ln Gaithersburg, MD 20878-2859	72	
02016702	Litvak, Edward	106 Watch Hill Ln Gaithersburg, MD 20878-2859	71	
02016690	Petrosian, Levon & Natalie Gevorkian	108 Watch Hill Ln Gaithersburg, MD 20878-2859	70	
02016735	Strudler, Michael & Gail Woolf	1 Norwich Ct Gaithersburg, MD 20878-2852	74	
02016826	Evans, Timothy F & H T	2 Norwich Ct Gaithersburg, MD 20878-2805	90	
02016746	Sokol, Thomas R et al	3 Norwich Ct Gaithersburg, MD 20878	75	
02016815	Goley, Stephen V & I F	4 Norwich Ct Gaithersburg, MD 20878	89	
02016757	Brounstein, Paul J & Nancy M. Ostrove	5 Norwich Ct Gaithersburg, MD 20878	76	
02016804	Wu, Gang et al	6 Norwich Ct Gaithersburg, MD 20878	88	
02016768	Ireland, Douglas M & J M	7 Norwich Ct Gaithersburg, MD 20878	77	
02708284	Hsieh, Helen H.	8 Norwich Ct Gaithersburg, MD 20878	99	
02708273	Mullally, Daniel I Jr. & E B	10 Norwich Ct Gaithersburg, MD 20878	98	
02017502	Martin, Carol S	23 Norwich Ct Gaithersburg, MD 20878	85	
00844517	Roberts, Jerry et al	1 Story Dr Gaithersburg, MD 20878-2717	10	D
00845580	Thompson, Annemarie D et al	3 Story Dr Gaithersburg, MD 20878-2717	9	D
00845658	Hyslop, John S. 3 <sup>rd</sup> & M M	5 Story Dr Gaithersburg, MD 20878-2717	8	D
00844632	Lara, Romon A et al	7 Story Dr Gaithersburg, MD 20878-2717	7	D

**LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**

(November 5, 2004)

<b>Tax Account No.</b>	<b>Name</b>	<b>Address</b>	<b>Lot/Parcel</b>	<b>Block</b>
00844233	Adhya, Sankar & K	14400 Kings Grant St Gaithersburg, MD 20878	6	D
00845170	Brennan, Paul S et al	11 Story Dr Gaithersburg, MD 20878-2717	5	D
00845660	Danaceau, Christopher & C	13 Story Dr Gaithersburg, MD 20878-2717	4	D
00845955	Penagos, Annabella	15 Story Dr Gaithersburg, MD 20878-2717	3	D
00845603	Chang, Hai F & T	17 Story Dr Gaithersburg, MD 20878-2717	2	D
00845181	Austin, Harry W & C	19 Story Dr Gaithersburg, MD 20878-2717	1	D
01912685	Warther Homes Assoc Inc	P O Box 1130 Germantown, MD 20874	Par O	E
01913122	Warther Homes Assoc Inc	P O Box 1130 Germantown, MD 20874	Par G	E
01912685	Warther Homes Assoc Inc.	P O Box 1130 Germantown, MD 20874	Par O	E
01912765	Jackson, Lee Ann Daniels	100 Holdcroft Ln Gaithersburg, MD 20878-2712	1	E
01912696	Nabeel, Hamed	101 Holdcroft Ln Gaithersburg, MD 20878-2712	1	D
01912776	Molina, Marleng	102 Holdcroft Ln Gaithersburg, MD 20878-2712	2	E
01912708	Costello, Neil & J E J	103 Holdcroft Ln Gaithersburg, MD 20878-2712	2	D
01912787	Madariaga, Bruce	104 Holdcroft Ln Gaithersburg, MD 20878-2712	3	E
01912710	Ohan, Peter M	105 Holdcroft Ln Gaithersburg, MD 20878-2712	3	D
01912798	Cu, Lien N	106 Holdcroft Ln Gaithersburg, MD 20878-2712	4	E
01912801	Hill, Kevin & Tricia M	108 Holdcroft Ln Gaithersburg, MD 20878-2712	5	E
01913133	Gray, Harvey W Jr. & L C	101 Sharpstead Ln Gaithersburg, MD 20878	1	A
01913315	Jamal, Mohammad N	102 Sharpstead Ln Gaithersburg, MD 20878	1	B
01913326	Wright, Eugene	104 Sharpstead Ln Gaithersburg, MD 20878	2	B
01913155	Fleming, Paul B	105 Sharpstead Ln Gaithersburg, MD 20878	3	A
01913337	Cea, Arturo G & L D	106 Sharpstead Ln Gaithersburg, MD 20878	3	B
01913166	Fonger, George C	107 Sharpstead Ln Gaithersburg, MD 20878	4	A
01913348	Knudson, Diana M et al	108 Sharpstead Ln Gaithersburg, MD 20878	4	B

**LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**

(November 5, 2004)

<b>Tax Account No.</b>	<b>Name</b>	<b>Address</b>	<b>Lot/Parcel</b>	<b>Block</b>
01913177	Swink, Darrell A & D E W	109 Sharpstead Ln Gaithersburg, MD 20878	5	A
01913350	Sattan, Ali	110 Sharpstead Ln Gaithersburg, MD 20878	5	B
01913361	Machlan, Glen A & D E J W	C/O Marydale Realty Mgmt 3720 Farragut Ave Kensington, MD 20895	6	B
01913188	Trainor, Kevin L & Melissa A Tenholder	113 Sharpstead Ln Gaithersburg, MD 20878-2714	6	A
01913372	Smith, Lennox C & J L	114 Sharpstead Ln Gaithersburg, MD 20878	7	B
01913190	Manley, Keith B & J A	115 Sharpstead Ln Gaithersburg, MD 20878	7	A
01913532	Hughson, David W & S M	176 Sharpstead Ln Gaithersburg, MD 20878	35	B
00845738	Shady Grove Village Comm	Council Corp PO Box 844 Gaithersburg, MD 20877	PT PAR B	
02090466	City of Gaithersburg	31 Summitt Ave Gaithersburg, MD 20877	P789	
01912184	City of Gaithersburg	31 Summitt Ave Gaithersburg, MD 20877	PAR A	
	Maryland State Highway Administration	9300 Kenilworth Avenue Greenbelt, MD 20770	Sam Eig Highway	
	Montgomery County, Maryland	101 Monroe Street Rockville, MD 20850	Local Road Network	
		Joseph P. Lapan, Esq. Linowes and Blocher LLP 7200 Wisconsin Avenue Suite 800 Bethesda, MD 20814		

October 14, 2004

## CROWN FARM PETITION FOR ANNEXATION



The property which is the subject of this Annexation Petition is comprised of two parcels of land P458 at 7.07-acres and P619 at 6.11-acres. The parcels are located on the west side of Sam Eig Highway. Parcel 458 is bound by Crown farm Road to the north, Story Drive to the east, Diamondback Drive to the south and Sam Eig Highway to the west. Parcel 619 is bound by Diamondback Drive to the north, Bickerstaff Way and a City owned dog park to the east, and Sam Eig Highway to the west. The parcels were originally part of the overall Crown Farm of which approximately 175-acres lies on the west side of Sam Eig Highway. The construction of Sam Eig Highway separated the parcels from the original tract of land and then was further divided by the construction of Diamondback Drive.



**VIRGINIA OFFICES:**

Chantilly  
Bridgewater  
Leesburg  
Virginia Beach  
Woodbridge

**LABORATORY:**

Chantilly

**MARYLAND OFFICES:**

Columbia  
Frederick  
Germantown  
Hollywood

**WEST VIRGINIA  
OFFICE:**

Martinsburg

T 301.528.4300

F 301.528.0419

12850 Middlebrook Rd  
Suite 200  
Germantown, MD  
20876

### *Slopes and Soils*

The site is comprised of two bowl shapes each sloping to the corners of Sam Eig Highway and Diamondback Drive. The slopes range from 5-20% and present no constraints or limitations to the proposed development. The Montgomery County Soil Survey indicates three soil types present on the site, Gaila Silt Loam, Glenelg Silt Loam and Wheaton Silt Loam. The Soils Survey states that these soil types are suitable for the development that is proposed.

### *Wetlands*

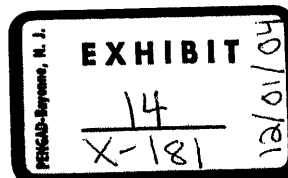
There are no wetlands present on the site.

### *Water and Sewer Service*

The water and sewer categories for the site are W-1 and S-4. There is an existing 24" water line Crown Farm Road and a 10" in Bickerstaff Way and Story Drive. There are several 8" sewer lines along Crown Farm Road, Story Drive and Bickerstaff Way. The proposed development will tie into these existing utilities.

### *Storm Drainage and Stormwater Management*

Storm drainage will be installed along the private streets proposed to convey the water to the stormwater management facilities. The storm drain pipes





will be designed to handle the 10-year storm and will convey the water to the proposed

stormwater management facilities. The discharge from the site will be directed into the existing storm drain conveyance system located in Sam Eig Highway.

Stormwater management of water quality and water quantity will be provided using methods found in the 2000 Maryland Stormwater Design Manual by MDE. Water quality and channel protection volumes will be accommodated within the several facilities on the site. Preliminary design includes two options for water quality. The first option will be infiltration which will be used in the event the soils possess adequate infiltration rates. In the event that the soils do not have infiltration capacity, several stormfilters will be used to provide water quality. These are structural devices which use filter cartridges to filter the stormwater. Channel protection volume will be provided by an underground pipe network and control structure.

#### ***Forest Stand Delineation***

There is no forest on the site it is comprised of open grass areas with some trees at the edges of the property.

#### ***Sediment Control***

Sediment Control will be designed to meet the City of Gaithersburg Regulations. Standard techniques and practices of runoff control will be utilized throughout the construction process by the use of silt fence, sediment control traps, and earth dikes, etc., to sediment runoff from the construction site.

#### ***Other Utilities***

Electric, gas, cable and telephone run adjacent to the site within the public right-of-ways.

# MAYOR & COUNCIL AGENDA COVER SHEET

## MEETING DATE:

November 15, 2004

## CALL TO PODIUM:

**Trudy Schwarz, Community  
Planning Director**

## RESPONSIBLE STAFF:

**Trudy Schwarz, Community  
Planning Director  
Patricia Patula, Planner**

## AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
x	Resolution, Introduction of
	Policy Discussion
	Work Session Discussion Item
	Other

## TITLE: X-181

### INTRODUCTION:

Resolution authorizing the Annexation of approximately 13.18 acres of land adjacent to the present corporate limits, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive

## SUPPORTING BACKGROUND:

The applicants, Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, are petitioning the City to annex 13.18 acres of their property which were originally part of the Crown Farm. Parcel P458 consists of 7.07 acres and P619 of 6.11 acres. The acreage is located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive (see map).

The annexation petition requests rezoning of the property that is presently zoned R-200 (Residential-One Family) with a TDR-5 overlay (Transfer of Development Rights) to the City's RP-T (Medium Density Residential) Zone. The application is proposing to have 6.07 units per acre for a total of 80 units.

Introduction of the attached annexation resolution will commence the annexation process. Advertisement and posting of the property for the Planning Commission, and Mayor and City Council subsequent public hearings will be initiated following introduction of the resolution. The date for the Planning Commission's public hearing is December 1, 2004. The Planning Commission's recommendation must be received by the Mayor and City Council 15 days prior to their public hearing. The Mayor and City Council hearing is tentatively scheduled for February 7, 2005.

### Attachments:

*Resolution to be introduced  
Location Map  
Petition for Annexation  
Application*

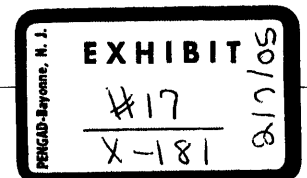
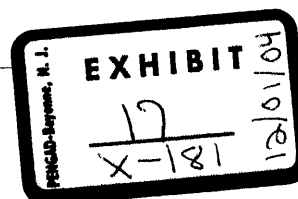
## PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

## DESIRED OUTCOME:

**Introduce the Resolution for X-181**

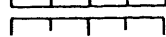


# Annexation X-181 Crown Farm Point Location Map

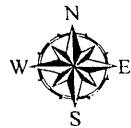
X-181 Locator Map.mxd • 10-Nov-2004 • jke

1 inch equals 250 feet

100 50 0 100 Feet



30 15 0 30 Meters



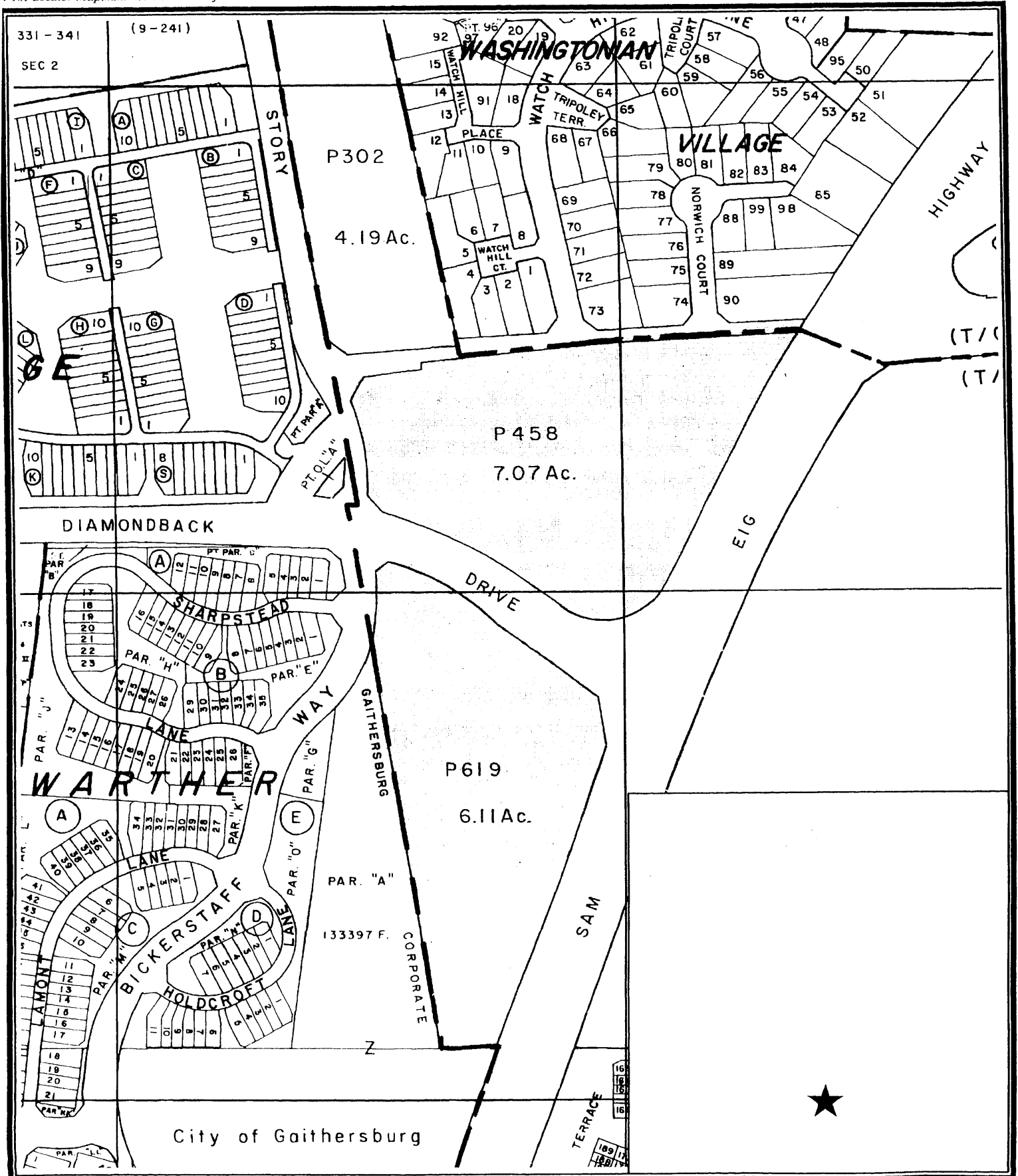
MD State Plane  
HPGN NAD 83/91

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City of Gaithersburg  
Planning and Code Admin  
31 S Summit Ave  
Gaithersburg, MD 20877  
(301) 258-6330  
www.gaithersburgmd.gov



RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 13.18 ACRES OF LAND LOCATED  
ADJACENT TO THE PRESENT CORPORATE LIMITS, KNOWN AS  
CROWN FARM POINT, LOCATED  
AT THE NORTHWEST AND SOUTHWEST QUADRANT  
OF THE INTERSECTION OF SAM EIG HIGHWAY  
AND DIAMONDBACK DRIVE

**ANNEXATION X-181**

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted parcels; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

**DESCRIPTION OF PROPERTY**

**Metes and Bounds Description  
Property of**

**James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson  
Liber 10251 at Folio 266**

BEING two certain parcels of land, situated along Sam Eig Highway, Diamondback Drive and Fields Road, in the Gaithersburg (9<sup>th</sup>) Election District Montgomery County, Maryland, said parcels being part of the lands conveyed by Robert Franklin Crown to James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson by deed dated September 21, 1988 and recorded among the Land Records of Montgomery County, Maryland (all title references hereinafter refer to said Land Records) in Liber 10251 at Folio 266, said parcels are more particularly described as follows, in accordance with a boundary survey prepared by Patton Harris Rust & Associates dated October 8, 2004:

**Parcel "A"**

BEGINNING for Parcel "A" at a capped iron pipe found at the beginning of parcel "A" of the aforesaid Liber 10251 at Folio at Folio 266, said point also being at the end of curve No. 2

as shown on "Plat No. 4, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation Right-of-Way Plat file No. 256); thence running with the outlines of parcel "A" of said Liber 10251 at Folio 266 the following sixteen courses and with said Right-of-Way line of Sam Eig Highway the following two courses, referring the courses of this description to the Maryland Coordinate System (NAD 83/91):

- 1) 277.36 feet along the arc of a tangent curve to the left having a radius of 15,888.02 feet, a central angle of 01° 00' 01" and subtended by a chord bearing and distance of South 29° 30' 31" West, 277.35 feet to a capped iron pipe found, and
- 2) 270.71 feet along the arc of a tangent curve to the left having a radius of 3,891.73 feet, a central angle of 03° 59' 08" and subtended by a chord bearing and distance of South 27° 00' 57" West, 270.66 feet to a capped iron pipe found; thence running with the line of truncation to Fields Road South (Diamondback Road)
- 3) 240.52 feet along the arc of a tangent curve to the right having a radius of 135.00 feet, a central angle of 102° 04' 28" and subtended by a chord bearing and distance of South 76° 03' 43" West, 209.94 feet to a capped iron pipe found on the northerly right-of-way of Fields Road South as shown on "Plat No. 5, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation Right-of-Way Plat file No. 257); thence running with the northerly right-of-way line of Fields Road South the following two courses:
- 4) North 52° 53' 57" West, 72.58 feet to a capped iron pipe found,
- 5) 329.21 feet along the arc of a tangent curve to the left having a radius of 879.51 feet, a central angle of 21° 26' 46" and subtended by a chord bearing and distance of North 63° 37' 21" West, 327.29 feet to a capped iron rebar set; thence running with the line of truncation to Story Drive
- 6) North 41° 57' 15" West, 44.20 feet to a capped iron rebar set; thence leaving the northerly right-of-way line of Fields Road South and running with the easterly right-of-way line of Story Drive as shown on "Plat No. 6, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation RIGHT-of-Way Plat file No. 258, the following two courses:
- 7) North 01° 13' 08" West, 54.59 feet to a capped iron rebar set, and
- 8) 133.50 feet along the arc of a tangent curve to the left having a radius of 335.00 feet, a central angle of 22° 50' 00" and subtended by a chord bearing and distance of North 12° 38' 06" West, 132.62 feet to a capped iron rebar set; thence running with the line of truncation to Fields Road
- 9) North 29° 19' 17" East, 50.55 feet to a capped iron rebar set on the southerly right-of-way line of Fields Road as shown on the aforesaid Right-of-Way Plat No. 6; thence running with said right-of-way line of Fields Road the following seven courses:

- 10) 37.24 feet along the arc of a tangent curve to the right having a radius of 125.00 feet, a central angle of 17° 04' 06" and subtended by a chord bearing and distance of North 76° 58' 39" East, 37.10 feet to a capped iron rebar set,
- 11) North 85° 30' 42" East, 46.15 feet to a , capped iron rebar set,
- 12) North 77° 22' 54" East, 35.36 feet to a capped iron rebar set,
- 13) North 04° 29' 18" West, 13.71 feet to a capped iron rebar set,
- 14) North 85° 00' 08" East, 75.73 feet to a capped iron rebar set,
- 15) North 85° 00' 08" East 289.75 feet to a capped iron rebar set, and
- 16) North 87° 15' 10" East, 370.13 feet to the place of beginning.

THE area of land contained by the foregoing amounts to 308,051 square feet, or 7.0719 acres of land, more or less, together with and subject to appurtenances and encumbrances of record or in use.

#### Parcel "B"

BEGINNING for Parcel "B" at a stone found at the beginning point of parcel "B" of the aforesaid Liber 10251 at Folio 266, said point also being at the beginning of the easterly or the North 09° 30' 29" West, 814.75 feet line of parcel "A" as shown on a plat titled "PART ONE, WARTHER" and recorded as Plat No. 12518; thence running and with the outlines of Parcel "B" of said Liber 10251 at Folio 266 the following twelve courses and with the easterly line of said Plat No. 12518 the following course:

- 1) North 09° 17' 47" West, 815.22 feet to a capped iron rebar set on the easterly right-of-way line of Bickerstaff Way as shown on the aforesaid Right-of-Way Plat No. 6; thence leaving the outline of the aforesaid Plat No. 12518 and running with said right-of-way line of Bickerstaff Way the following two courses:
- 2) 96.58 feet along the arc of a tangent curve to the left having a radius of 330.00 feet, a central angle of 16° 46' 03" and subtended by a chord bearing and distance of North 07° 09' 54" East, 96.23 feet to a capped iron rebar set, and
- 3) North 01° 13' 07" West, 35.61 feet to a capped iron rebar set; thence running with the line of truncation to Fields Road South
- 4) North 52° 36' 25" East, 29.51 feet to a capped iron rebar set on the southerly right-of-way line of Fields Road South as shown on the aforesaid Right-of-Way Plat No. 6, said point being South 03° 52' 55" West, 112.71 feet from the beginning of the sixth, or North 41° 57' 15" West, 44.20 feet, line of the above described Parcel "A"; thence running with said right-of-way line of Fields Road South the following five courses:

- 5) 131.98 feet along the arc of a tangent curve to the right having a radius of 769.51 feet, a central angle of 09° 49' 38" and subtended by a chord bearing and distance of South 67° 43' 12" East, 131.82 feet to a capped iron rebar set,
- 6) 85.36 feet along the arc of a tangent curve to the right having a radius of 285.00 feet, a central angle of 17° 09' 38" and subtended by a chord bearing and distance of South 54° 13' 36" East, 85.04 feet to a capped iron pipe found,
- 7) 42.12 feet along the arc of a tangent curve to the left having a radius of 315.00 feet, a central angle of 07° 39' 42" and subtended by a chord bearing and distance of South 49° 28' 34" East, 42.09 feet to a capped rebar set,
- 8) 5.37 feet along the arc of a tangent curve to the right having a radius of 757.51 feet, a central angle of 00° 24' 22" and subtended by a chord bearing and distance of South 53° 06' 04" East, 5.37 feet to a capped rebar set, and
- 9) South 52° 53' 57" East 226.47 feet to a point being South 07° 55' 15" West 0.19 feet from a capped iron pipe found; thence running with the line of truncation to Sam Eig Highway
- 10) South 10° 33' 30" East, 94.42 feet to a capped iron pipe found on the westerly right-of-way line of Sam Eig Highway, said pipe being at the end of the North 20° 03' 25" East, 85.72 feet line as shown on the aforesaid Right-of-Way Plat No. 5; thence running, in part, with said right-of-way line and, in part, with the westerly right-of-way line as shown on "Plat No. 8, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department Transportation Right-of-Way Plat file No. 287) the follow course:
- 11) South 20° 02' 53" West, 632.90 feet to a capped iron rebar set; thence leaving said right-of-way line of Sam Eig highway and running with the closing line of parcel "B" of the aforesaid Liber 10251 at Folio 266,
- 12) North 89° 37' 39" West, 111.22 feet to the place of beginning.

THE area of land contained by the foregoing amounts to 266,332 square feet, or 6.1141 acres of land, more or less, together with and subject to appurtenances and encumbrances of record or in use.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than four (4) times, at not less than weekly intervals, in *The Gaithersburg Gazette*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this annexation shall be subject to the terms and conditions of an annexation Agreement by and between the Property Owner and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the Mayor and City Council of the City of Gaithersburg this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THIS IS TO CERTIFY that the fore-  
Going Resolution was introduced by the  
City Council of the City of Gaithersburg  
On the 15<sup>th</sup> day of November, 2004, and  
Adopted by the City Council, in public  
Meeting assembled, on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2005.

This annexation will become effective on  
The \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
David B. Humpton, City Manager



BEFORE THE MAYOR AND COUNCIL  
OF THE CITY OF GAITHERSBURG

PETITION FOR ANNEXATION

Pursuant to Section 19 of Article 23A of the Annotated Code of Maryland, Petitioners, Lorraine Crown, Charles O. Crown and Catherine V. Stinson petition the Mayor and Council of the City of Gaithersburg, Maryland to annex certain property into the corporate limits of the City of Gaithersburg. In support of this Petition, Petitioners state the following:

1. The property which is the subject of this Petition consists of 13.18 acres located at the northwest and southwest quadrants of the intersection of Sam Eig Highway with Diamondback Drive. The Property is known as Parcels P458 and P619 as shown on Montgomery County Tax Map FS342, and is more particularly described in the metes and bounds description attached hereto and made a part hereof as Exhibit "A".
2. The Property is contiguous and adjoining to the existing corporate area of the City of Gaithersburg.
3. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Gaithersburg, real property proposed to be within the City of Gaithersburg as a result of the proposed annexation, or any combination of any such properties.
4. The entire Property is owned jointly by Lorraine Crown, Charles O. Crown and Catherine V. Stinson. The Property is unimproved, and no persons registered as voters in the County reside on the Property. Accordingly, no additional consent is necessary for this Petition.

5. The Property is within the maximum expansion limits of the City of Gaithersburg, and annexation of the Property will provide a uniform corporate boundary for the City of Gaithersburg along Sam Eig Highway.

6. The Property is currently classified in the single-family residential R-200/TDR Zone in Montgomery County, Maryland. The adopted Shady Grove Study Area Master Plan, which amended the Montgomery County Gaithersburg Vicinity Master Plan, recommends that the Property be developed in accordance with the R-200/ TDR-5 Zone. The City of Gaithersburg has recommended that the Property be initially classified in the RP-T Zone.

7. The Petition proposes that the Property be developed with eighty (80) townhouse dwelling units. A conceptual site plan showing the proposed development of the Property is attached hereto and made a part hereof as Exhibit "B".

8. In support of this Petition, Petitioners submit the following exhibits:

Exhibit "A": Legal description of the Property;

Exhibit "B": Concept site plan depicting the proposed development of the Property;

Exhibit "C": Tax Map FS342, with the Property outlined in yellow;

Exhibit "D": Certified copy of the official zoning map for Montgomery County indicating the current R-200/TDR zoning classification of the Property; and

Exhibit "E": Boundary survey of the Property.

WHEREFORE, Lorraine Crown, Charles O. Crown, and Catherine V. Stinson respectfully request that the Mayor and Council of the City of Gaithersburg initiate all steps necessary for final enactment of a Resolution annexing the Property into the corporate boundaries of the City of Gaithersburg.

WITNESS:

Frank J. Corneli

LORRAINE CROWN

By: Lorraine Crown  
Lorraine Crown

\*\*\*

STATE OF MARYLAND

\*

\* to wit:

\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Lorraine Crown known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Corneli

Notary Public

My Commission Expires:

4/1/08

[NOTARIAL SEAL]

WITNESS:

Frank J. Lomel

CHARLES O. CROWN

By: Charles O. Crown  
Charles O. Crown

\* \* \*

STATE OF MARYLAND

\*

\*

to wit:

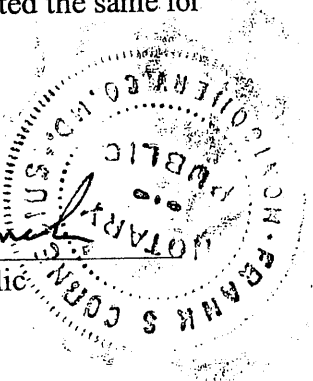
\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct, 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Charles O. Crown, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Lomel  
Notary Public



My Commission Expires: 4/1/08

[NOTARIAL SEAL]

WITNESS:

Frank J. Lomel

CATHERINE V. STINSON

By: Catherine V. Stinson  
Catherine V. Stinson

\* \* \*

STATE OF MARYLAND

\*

\* to wit:

\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Catherine V. Stinson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Lomel

Notary Public

My Commission Expires:

4/1/08

[NOTARIAL SEAL]





## ANNEXATION APPLICATION

Application No. X-181  
 Date Filed 11-5-04  
 Legal Ad: PC \_\_\_\_\_  
 M&C \_\_\_\_\_  
 PC Hearing \_\_\_\_\_  
 PC Recommendation \_\_\_\_\_  
 M&C Hearing \_\_\_\_\_  
 M&C Decision \_\_\_\_\_  
 Decision Date \_\_\_\_\_  
 Effective Date \_\_\_\_\_

This application must be typewritten or printed clearly and submitted to the Planning and Code Administration for filing. All items must be completed and all required documents shown on the checklist must accompany this application.\*

PROPERTY KNOWN AS Part of Lorraine Crown, Charles O. Crown and Catherine V. Stinson Property  
 Location Northwest and southwest quadrant of the intersection of Sam Eig Highway and  
Diamondback Drive  
 Size (acres/sq.ft.) 13.18 acres  
 Tax Sheet FS 342 Parcel(s)/Lot/Block Parcels P458 and P619  
 Tax Account Number(s) 09-02952026/ 09-02952015/  
 Present County Zoning (incl. TDR, if applicable) R-200/TDR-5 Requested Zoning RP-T  
 Requested Density (if applicable) 6.07 units/acre (80) units  
 Proposed use after annexation Residential - townhouses

Lorraine Crown, Charles O. Crown,  
 PROPERTY OWNER(S) Catherine V. Stinson Phone \_\_\_\_\_  
 Address 9410 Fields Road, Gaithersburg, Maryland 20878  
 Applicant's Representative Lorraine Crown Phone \_\_\_\_\_  
 Address 9410 Fields Road, Gaithersburg, Maryland 20878  
 Contract Purchaser North Gaithersburg Investment, LLC Phone (301) 252-3170  
 Address 2401 Research Blvd., Suite 202, Rockville, Maryland 20850  
 Contact Person Barbara A. Sears, Linowes and Blocher LLP Phone (301) 961-5157

\*\* Lorraine Crown 10/20/04 \*\* Charles O. Crown 10/20/04  
 Lorraine Crown Date Charles O. Crown Date  
 \*\* Signature of Property Owner/Representative \*\* Catherine V. Stinson 10/20/04  
 Catherine V. Stinson Date

\* This annexation application is not a substitute for the annexation petition, submission of which is required by State law.

## ANNEXATION APPLICATION CHECKLIST

An informal meeting with the Planning and Code Administration Director or designated staff person shall precede the submission of this application.

**Submit application (on reverse side) and the following information:**

- ☐ 1. Notarized **Petition for Annexation** (see directions below)
- ☐ 2. Complete **list of owners** with respective addresses and ownership parcel numbers
- ☐ 3. **Metes and Bounds description** of property
- ☐ 4. **Boundary Survey** prepared by a registered land surveyor
- ☐ 5. **Vicinity Map** showing location of subject property
- ☐ 6. **Names and addresses** of adjacent property owners within 200 feet
- ☐ 7. **General information** on property, including but not limited to the following:  
County Master Plan and zoning; site characteristics; utilities; existing land use(s); and description, condition and age, if known, of all structures on-site
- ☐ 8. **Conceptual Site Plan** (optional)
- ☐ 9. **Tree Stand Delineation** (only if number 8 is provided)

## THE PETITION FOR ANNEXATION

Sample petitions have been attached. The petition should incorporate the following:

- ☐ 1. Name of petitioner(s)
- ☐ 2. Verification that petitioner is owner of not less than 25% of property to be annexed
- ☐ 3. Names and addresses of registered voters in residence at property
- ☐ 4. Location of property
- ☐ 5. Size of property
- ☐ 6. Legal description of property(s)
- ☐ 7. Statement formally requesting annexation into the City of Gaithersburg
- ☐ 8. Statement that request is "pursuant to Article 23A, Section 19 of the Annotated Code of Maryland"
- ☐ 9. Statement that "subject property is contiguous to and adjoining the existing corporate boundaries of the City of Gaithersburg"
- ☐ 10. Request for reclassification of zoning
- ☐ 11. Notary attestation

Telephone: 301-258-6370 • Fax: 301-258-6375

In accordance with Chapter 8 of the City Code

***Application to be submitted with or prior to preliminary site plan submission.***

Application No. 21-111040037  
SWM Review Fee \$ 1,500.-  
Sediment Control Fee \$ \_\_\_\_\_  
Initials MPS  
Date Filed 11 15 2004  
DPW&E Review Date \_\_\_\_\_  
Action \_\_\_\_\_

EXHIBIT 181-X  
81#

- 1. PROJECT NAME** Crown Farm
- ☐ Commercial      ☐ Industrial      ☒ Residential      ☐ Other
- If residential, Number of Units and Type 80 townhouse units
- 2. PROPERTY LOCATION** Sam Eig Highway and Diamond Back Drive
- a. Parcel Number P619,P458 Property Tax ID 00769281,00769292 Zone RP-T
- b. Maryland Subwatershed #: ☒ Muddy Branch      ☐ Great Seneca      ☐ Other \_\_\_\_\_  
# 02140202      # 0214208      # \_\_\_\_\_
- c. Tributary: ☒ Muddy Branch      ☐ Long Draught Branch      ☐ Whetstone Run      ☐ Other \_\_\_\_\_
- 3. APPLICANT NAME** North Gaithersburg Investments, Inc.
- Address 2401 Research Blvd., Suite 202,Rockville,MD 20850 Telephone 301-252-3170
- 4. ENGINEER NAME** Patton Harris Rust & Associates
- Address 8818 Centre Park Drive,Suite 200,Columbia, MD 21045 Telephone 410-997-8900
- 5. TYPE OF SUBMISSION** ☒ Concept      ☐ Final (check version): X New    \_\_\_ Resubmittal    \_\_\_ Revision

- ## 6. STORMWATER MANAGEMENT PROVIDED

- |                       |              |
|-----------------------|--------------|
| Onsite Management     |              |
| Onsite Quality Acres  | 13.18        |
| Onsite Quantity Acres | <u>13.18</u> |

- ☐ Waiver Request  
Waiver Quantity Acres \_\_\_\_\_

Type and Number of Structure(s) Proposed:

☐ Wet Pond      1 Dry Pond      2 Water Quality Inlet      ☐ Underground Storage  
1 Sand Filter      ☐ Other (specify) \_\_\_\_\_

EXHIBIT  
18  
X-181  
10/10/01

- ## 7. PROJECT AREA

- |                                        |      |              |       |                |          |
|----------------------------------------|------|--------------|-------|----------------|----------|
| a. Site area of new development        | SA = | <u>13.18</u> | Acres | <u>574,121</u> | Sq. Feet |
| b. Disturbed area                      | DA = | <u>13.18</u> | Acres | <u>574,121</u> | Sq. Feet |
| c. Proposed impervious area            | IA = | <u>8.57</u>  | Acres | <u>373,309</u> | Sq. Feet |
| d. Percentage of SA that is Impervious | I =  | <u>65</u>    | %     |                |          |
| e. Total project area                  | TA = | <u>13.18</u> | Acres | <u>574,121</u> | Sq. Feet |

# STORMWATER MANAGEMENT APPLICATION

## SUBMISSION REQUIREMENTS

### 1. CONCEPT STORMWATER MANAGEMENT PLAN CHECKLIST

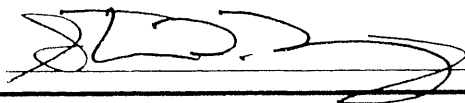
- ☐ Completed application.
- ☐ SWM Plan review fee (see fee schedule).
- ☐ Cover letter with a brief narrative description of the project and justification for the proposed Stormwater Management Concept.
- ☐ Grading or site plans that include:
  - ☐ Vicinity map.
  - ☐ Existing and proposed grading.
  - ☐ Impervious areas and improvements.
  - ☐ Existing and proposed drainage areas
  - ☐ Off-site drainage and outfalls.
  - ☐ Downstream conditions.
  - ☐ If the site drains to an existing storm drain system, provide a schematic drawing of the storm drain layout on 200' scale topography detailing the system from the point of inflow to the existing outfall.
  - ☐ The proposed development and improvements including buildings; streets; parking lots; topography; streams and wetlands; 100-year floodplain and flowpath; stream valley buffer; existing or proposed easements or rights-of-way for storm drains, sewers, and other utilities; major building locations; impervious surfaces, storm drainage facilities, and all grading and major soil groups.
- ☐ Geotechnical investigations including soils maps, borings, site specific recommendations, and any additional information necessary for the proposed stormwater management design.
- ☐ Description of the location, type, and hazard class of proposed on-site stormwater management facilities, including preliminary designs.
- ☐ Descriptions of all water courses, impoundments, and wetlands on or adjacent to the site of which stormwater directly flows.
- ☐ Hydraulic computations, including drainage area maps depicting pre-development and post-development runoff flow path segmentation and land use.
- ☐ Structural computations.
- ☐ Unified sizing criteria volume computations according to the Design Manual.

### 2. FINAL STORMWATER MANAGEMENT PLAN CHECKLIST

- ☐ All items described above.
- ☐ Topographic survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities.
- ☐ Structural and construction details for all components of the proposed drainage system and SWM facilities.
- ☐ All necessary construction specifications and notes.
- ☐ A sequence of construction.
- ☐ Data for total site area, disturbed area, new impervious area, and total impervious area.
- ☐ A table showing the unified sizing criteria volumes required in the Design Manual.
- ☐ A table of materials to be used for stormwater management facility plantings.
- ☐ Soil boring logs and locations.
- ☐ A maintenance schedule.
- ☐ Certification by the owner/developer that all stormwater management construction will be done according to this plan.
- ☐ An as-built certification signature block to be excuted after project completion.
- ☐ A scanned or digital version of the final plan.
- ☐ Color site plan that differentiates impervious and pervious areas with total areas for each and shows limits of disturbed area for redevelopment or limits of site area for development.
- ☐ Describe proposed mitigation and compensation measures.
- ☐ Any other information required by the City of Gaithersburg.

I have read and complied with the submission requirements and affirm that all statements are true and correct.

Applicant's Signature



Date

10/22/04

MISCELLANEOUS PAYMENT RECPT#: 24058  
CITY OF GAITHERSBURG  
31 SOUTH SUMMIT AVE.  
GAITHERSBURG MD 20877-2098

DATE: 11/15/04 TIME: 14:43  
CLERK: skitzmil 1  
CUSTOMER#:

PARCEL:

CHG: MISC OTHER MISCELLAN 1500.00

REVENUE:

1 100 449100 1500.00

STORM WATER MANAGEMENT WAIVER

REF1: CROWN FARM REF2:

CASH:

001 101000 CASH-NATIONS

1500.00 PAID AMT

150 PAID BY NAME  
CROWN FARM PAY METHOD  
1001 CHECK

AMT TENDERED: PI-V040037  
AMT APPLIED: 1500.00  
CHANGE: 1500.00

SWM Application  
Fee

Crown Farm

PI-V040037

Acct.: 449-100

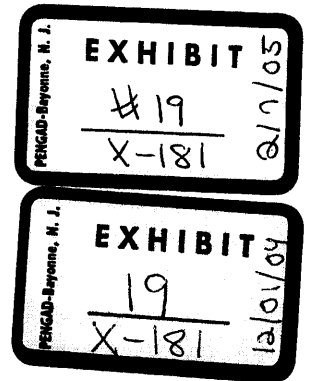
## TRANSMITTAL

SUBJECT: *Crown Farm Annexation*DATE *11/12/04*TO: *DPWPM & E*FILE NUMBER(S) *X-181*

## WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal  
☐ Under separate cover

- ☐ Via special messenger  
☐ Per your request



QUANTITY	DESCRIPTION
<i>1</i>	<i>Set of site plans</i>

## ACTION REQUESTED:

- ☐ For your approval  
☒ For your review and comment  
☐ For your information  
☐ For your use and record

- ☐ Returned for corrections  
☐ Submit \_\_\_\_\_ additional copies  
☐ Return \_\_\_\_\_ corrected copies

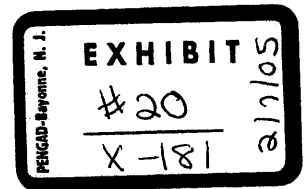
REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED

*Trudy Schwarz*

If enclosures are not as noted, kindly notify us at once.

## TRANSMITTAL

SUBJECT: Crown Farm  
TO: Jeffrey RieseDATE 11-16-04FILE NUMBER(S) X-181

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ☒ Attached to this transmittal  
☐ Under separate cover

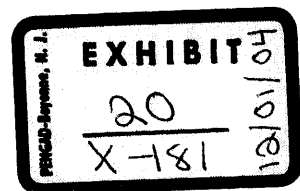
- ☐ Via special messenger  
☐ Per your request

QUANTITY	DESCRIPTION
1	Site Plan

ACTION REQUESTED:

- ☐ For your approval  
☒ For your review and comment  
☐ For your information  
☐ For your use and record

- ☐ Returned for corrections  
☐ Submit \_\_\_\_ additional copies  
☐ Return \_\_\_\_ corrected copies

REMARKS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_SIGNED Judy Schweg

If enclosures are not as noted, kindly notify us at once.



## OUTLINE OF PUBLIC FACILITIES

X-181

### A. MUNICIPAL SERVICES

All existing services will be provided to the subject parcels proposed for annexation. These services will be available immediately on the effective date of annexation.

### B. LAND USE

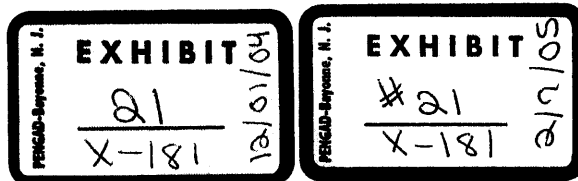
The subject property shall conform to the land use plan of the City of Gaithersburg, which, as it pertains to said parcels, will be residential, namely the RP-T (Medium Density Residential) Zone. If this land use is deemed to be substantially different from the approved and adopted land use in the Shady Grove Master Plan (July 1990) prepared by the Maryland-National Capital Park and Planning Commission, the consent of the County Council will be sought.

### C. PUBLIC FACILITIES

The parcels, when developed and according to the aforementioned Master Plan, may require the dedication of land for public facilities or may generate the need for additional public facilities other than those which currently exist. Evaluation of a development proposal when presented will make the determination. Water and sewer is available on the same basis as any other property in the City of Gaithersburg. Specific requirements, if any, resulting from this annexation petition, will be contained within an annexation agreement to be promulgated between the property owner and the City of Gaithersburg.

### D. FINANCING OF FACILITIES

The City anticipates that the extension of all municipal services to the parcels can be financed from the funds currently appropriated.



MD STATE HWY ADMIN  
9300 KENILWORTH AVE  
GREENBELT MD 20770

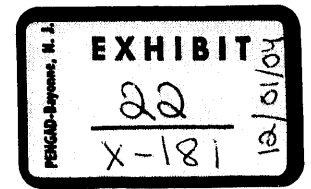
MONTGOMERY CO MARYLAND  
101 MONROE ST  
ROCKVILLE MD 20850

MARYLAND MUNICIPAL LEAGUE  
1212 WEST STREET  
ANNAPOLIS MD 21401

EXECUTIVE DIRECTOR  
GGCC  
4 PROFESSIONAL DR STE 132  
GAITHERSBURG MD 20879

NELLIE MASKAL  
M-NCPP  
8787 GEORGIA AVE  
SILVER SPRING MD 20910

REGIONAL PLANNER  
MD DEPT OF PLANNING  
301 W PRESTON ST  
BALTIMORE MD 21201-2305



November 16, 2004

Ms. Karey Major, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Ms. Major:

Please publish the following legal advertisement in the **November 17, 2004**, issue of the *Gaithersburg Gazette*.

Sincerely,

Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

ASSIGN CODE: X-181

### NOTICE OF PUBLIC HEARING

The Planning Commission of the City of Gaithersburg will conduct a public hearing on Annexation Petition X-181, filed by Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, on

**WEDNESDAY  
DECEMBER 1, 2004  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests annexation of 13.18 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 overlay (Transfer of Development Rights) in the County, to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

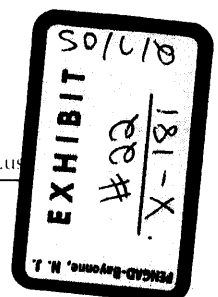
Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

TWS/pap City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
Acct# 133649 • 301-258-6100 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley I. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Ann T. Somerset

CITY MANAGER  
David B. Humpton



**From:** "Major, Karey" <kmajor@gazette.net>  
**To:** "Myriam Gonzalez" <MGonzalez@gaithersburgmd.gov>  
**Date:** 11/16/2004 11:19:37 AM  
**Subject:** RE: Legal Ad for Plan. Comsn. PH

Thanks Myriam! Ad is set to be published on 11/17/04

Karey Major, Manager  
Legal Advertising Dept.  
Gazette Newspapers  
9030 Comprint Court  
Gaithersburg, MD 20877  
voice: 301-670-2544  
fax: 301-670-2634  
email: kmajor@gazette.net

-----Original Message-----

From: Myriam Gonzalez [mailto:MGonzalez@gaithersburgmd.gov]  
Sent: Tuesday, November 16, 2004 10:57 AM  
To: Major, Karey  
Subject: Legal Ad for Plan. Comsn. PH

Hi, Karey,  
I believe the attached legal ad request was faxed earlier this morning (after I got here), but just in case, I'm faxing it. Please note that it is NOT a joint public hearing. The legal ad for the City Council's will be sent at a later date.  
Thanks a lot.

Myriam Gonzalez  
Planning & Code Administration  
City of Gaithersburg, Maryland  
301-258-6330

MODE = MEMORY TRANSMISSION

START=NOV-16 09:47

END=NOV-16 09:48

FILE NO.=089

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<11>	GAZ LEG	002/002	00:00:41

-THE CITY OF GAITHERSBURG -

\*\*\*\*\* -PLAN AND CODE - \*\*\*\*\* 3012586336- \*\*\*\*\*



**Gaithersburg**  
A CHARACTER COUNTS! CITY

## FAX TRANSMITTAL FORM

SEND TO:

Gazette Leg.

FAX NO.:

301-670 7136

FROM:

TRUDY SCHWARTZ

FAX NO.:

TELEPHONE NO.:

DATE:

16 NOV 2004

TIME:

~~09:44~~ 9:45 AM

NO. OF PAGES ATTACHED:

1

MESSAGE:

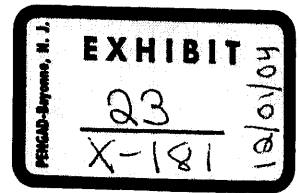
**IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,  
PLEASE CALL 301-258-6330**

City of Gaithersburg 31 South Summit Avenue Gaithersburg, MD 20877-2098  
plancode@gaithersburgmd.gov [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov)

**MAYOR**  
Sidney A. Katz

**CITY COUNCIL MEMBERS**  
Stanley J. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Ann T. Somerset

**CITY MANAGER**  
David B. Humpton



November 18, 2004

Ms. Karey Major, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Ms. Major:

Please publish the following legal advertisement in the **December 15, 22, 29, 2004 and January 5, 2005**, issue of the *Gaithersburg Gazette*.

Sincerely,

*Trudy W. Schwarz (pap)*

Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

ASSIGN CODE: X-181 Acct #133649

---

### NOTICE OF PUBLIC HEARING

The Mayor and City Council of the City of Gaithersburg will conduct a public hearing on Annexation Petition X-181, filed by Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, on

**MONDAY  
FEBRUARY 7, 2005  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests annexation of 13.18 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 overlay (Transfer of Development Rights) in the County, to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

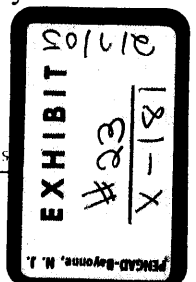
Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

TWS/pap City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR  
Sidney A. Katz

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John B. Schlichting  
Ann T. Somerset

CITY MANAGER  
David B. Humpton





*Gaithersburg*  
A CHARACTER COUNTS! CITY

## FAX TRANSMITTAL FORM

SEND TO: KAREY MAJOR - LAW SECTION  
GAITHERSBURG GAZETTE

FAX NO.: 301-670-7136

FROM: MYRIAM GONZALEZ  
PLANNING AND CODE ADMINISTRATION

FAX NO.: 301-258-6336

TELEPHONE NO.: 301-258-6330

DATE: 11-18-04 TIME: 9:35 A.M.

NO. OF PAGES ATTACHED: 1

MESSAGE: PLEASE PUBLISH THE ATTACHED NOTICE OF PUBLIC HEARING IN  
THE **DECEMBER 15, 22, 29, 2004, AND**  
**JANUARY 5, 2005,** ISSUES OF THE GAITHERSBURG  
GAZETTE. THANK YOU.

IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,  
PLEASE CALL 301-258-6330

City of Gaithersburg ' 31 South Summit Avenue ' Gaithersburg, MD 20877-2098  
[plancode@gaitHERSBURGMD.GOV](mailto:plancode@gaitHERSBURGMD.GOV) [www.gaitHERSBURGMD.GOV](http://www.gaitHERSBURGMD.GOV)

MAYOR  
Sidney A. Katz

CITY COUNCIL MEMBERS  
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Geraldine E. Edens  
Henry F. Marraffa, Jr.  
Ann T. Somerset

CITY MANAGER  
David B. Humpton

MODE = MEMORY TRANSMISSION

START=NOV-18 09:42

END=NOV-18 09:43

FILE NO.=115

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<11>	GAZ LEG	002/002	00:00:43

-THE CITY OF GAITHERSBURG -

\*\*\*\*\* -PLAN AND CODE - \*\*\*\*\* 3012586336- \*\*\*\*\*



November 18, 2004

Ms. Karey Major, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Ms. Major:

Please publish the following legal advertisement in the **December 15, 22, 29, 2004 and January 5, 2005**, issue of the *Gaithersburg Gazette*:

Sincerely,

*Trudy W. Schwarz (pap)*

Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

ASSIGN CODE: X-181 Acct #133649

#### NOTICE OF PUBLIC HEARING

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**MONDAY  
FEBRUARY 7, 2005  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests annexation of 13.18 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 overlay (Transfer of Development Rights) in the County, to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Trudy W. Schwarz, Community Planning Director  
Planning and Code Administration

TWS/pap City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alder  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Ann T. Somersel

CITY MANAGER  
David B. Hampton



CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF PUBLIC HEARING

The City of Gaithersburg Planning Commission will conduct a public hearing at the time and place noted below.

**Meeting:** PLANNING COMMISSION  
**Application Type:** ANNEXATION  
**File Number:** X-181  
**Location:** SAM EIG HIGHWAY & DIAMONDBACK DRIVE  
**Applicant:** LORRAINE CROWN, CHARLES O. CROWN, AND  
CATHERINE V. STINSON  
**Development:** TOWNHOUSES  
**Day/ Date/Time:** WEDNESDAY, DECEMBER 1, 2004, AT 7:30 P.M.  
**Place:** COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE

#### \*\*\*IMPORTANT\*\*\*

This is a proposal to annex 13.18 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 overlay (Transfer of Development Rights) in the County to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC. This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

By: Patricia Patula  
PATRICIA PATULA, Planner  
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 17<sup>TH</sup> DAY OF NOVEMBER, 2004, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Cathy Borten, City Attorney  
Mary Beth Smith, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

Annexation X-181  
Crown Farm Point  
Location Map

1 inch equals 250 feet

100 50 0 100 Feet

30 15 0 30 Meters

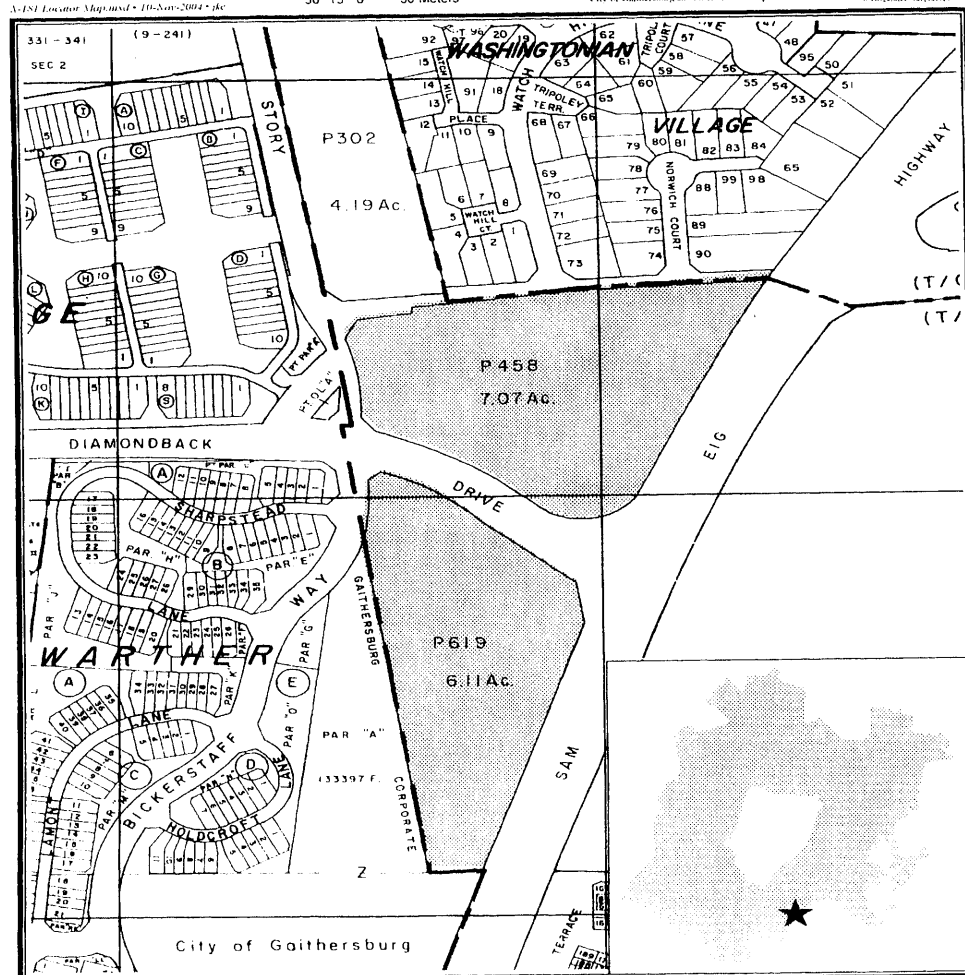


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City of Gaithersburg  
Planning and Code Administration  
100 South Rockville Road  
Gaithersburg, MD 20878  
Phone: 301.286.8400  
Fax: 301.286.8401  
www.2020cityofgaithersburg.org





CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF PUBLIC HEARING

The City of Gaithersburg Mayor and City Council will conduct a public hearing at the time and place noted below.

**Meeting:** MAYOR AND CITY COUNCIL  
**Application Type:** ANNEXATION  
**File Number:** X-181  
**Location:** SAM EIG HIGHWAY & DIAMONDBACK DRIVE  
**Applicant:** LORRAINE CROWN, CHARLES O. CROWN, AND  
CATHERINE V. STINSON  
**Development:** TOWNHOUSES  
**Day/ Date/Time:** MONDAY, FEBRUARY 7, 2005, 7:30 P.M.  
**Place:** COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE

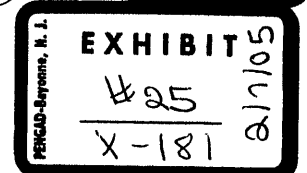
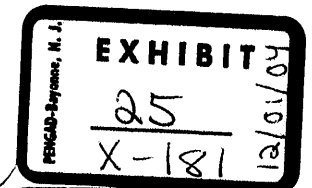
#### \*\*\*IMPORTANT\*\*\*

This is a proposal to annex 13.18 acres of land, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. The application requests a reclassification of the subject property from the current R-200 (Low-Density Residential) Zone with a TDR-5 overlay (Transfer of Development Rights) in the County to the RP-T (Medium Density Residential) Zone in the City of Gaithersburg, Maryland. The contract purchaser is North Gaithersburg Investment, LLC. This is a public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

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CITY OF GAITHERSBURG

By: Patricia Patula  
PATRICIA PATULA, Planner  
Planning and Code Administration



SEE LOCATION MAP ON REVERSE SIDE

# NOTICES SENT THIS 17<sup>TH</sup> DAY OF NOVEMBER, 2004, TO:

## APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

## MAYOR AND COUNCIL

## PLANNING COMMISSION

## CITY STAFF

David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Cathy Borten, City Attorney  
Mary Beth Smith, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

### Annexation X-181 Crown Farm Point Location Map

1 inch equals 250 feet

100 50 0 100 Feet

30 15 0 30 Meters

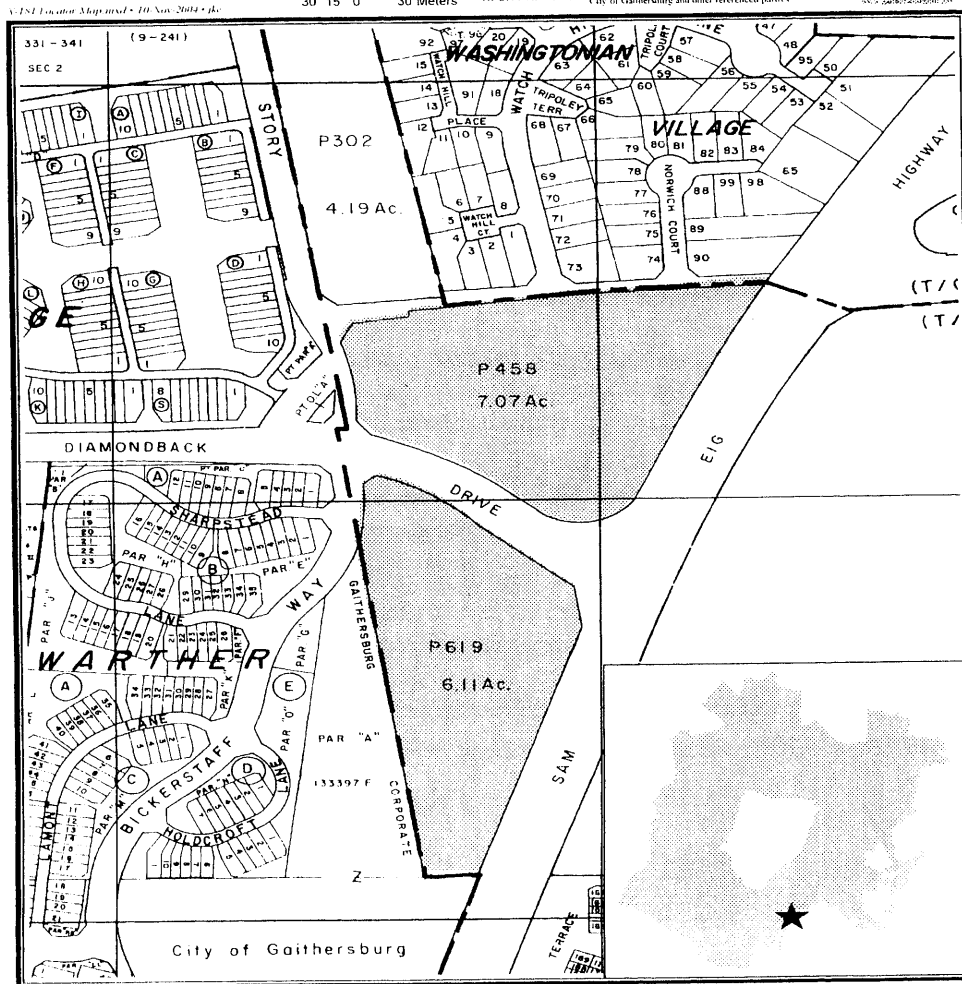


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City of Gaithersburg  
Planning and Code Admin.  
1200 Maryland Road, Suite 200  
Gaithersburg, MD 20878  
Phone: 301.286.1300  
Fax: 301.286.1301



# The Gazette N

9030 Comprint Court, Gaithersburg, Maryland 2087

## CERTIFICATION

THIS IS TO CERTIFY THAT THE ANNEXED LE  
IN THE GAZETTE NEWSPAPERS FOR THE NU

**City of Gaithersburg – Public Hearing –**

Gaithersburg Publishing Company

*Karey A. Major*  
Copy of Ad attached



**KAREY A. MAJOR**  
Notary Public, State of Maryland  
Prince George's County  
My Commission Expires March 31, 2007

Ad Order Number: 10204326

Dates: St: 11/17/04 End: 11/17/04 Ins: 1

## NOTICE OF PUBLIC HEARING

The Planning Commission of the City of Gaithersburg will conduct a public hearing on Annexation Petition X-181, filed by Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, on

**WEDNESDAY  
DECEMBER 1, 2004  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

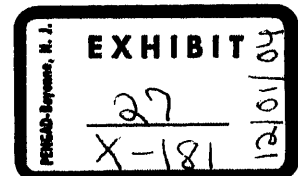
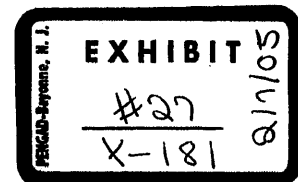
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Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Trudy W. Schwartz, Community Planning Director  
Planning and Code Administration

10204326  
1384041

(11-17-04)



**From:** "Morton" <morton-3c4k@starpower.net>  
**To:** <plancode@gaitthersburgmd.gov>  
**Date:** 11/24/2004 9:13:40 PM  
**Subject:** Crown Farm - Hearing 1 DEC 2004

19 Apple Seed Lane

Gaithersburg, MD 20878

November 24, 2004

Dear Commission Members:

I am writing about two smaller portions of the Crown Farm that are bordered by Sam Eig Highway and Diamondback Drive.

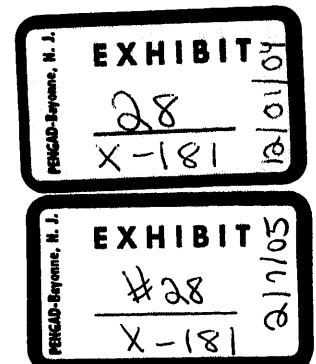
I oppose rezoning this property for higher density than single-family detached housing as proposed.

I am a resident in Shady Grove Village III. I go to work right between these 2 properties. I shop at the Giant at the Muddy Branch Shopping Center. My children have attended Fields Road Elementary School. I know something about the neighborhood and the existing infrastructure.

The existing infrastructure will not support additional townhouses as proposed while maintaining property values.

Now a fair question: Under what conditions would I go along with town houses in that location? The following conditions must apply without exception.

- 1.. A fire station and a police substation must be placed on the undeveloped property across from Target on the other side of the overpass on Sam Eig to provide better service to the increasing population density in the area.
- 2.. The intersection of Diamondback and Sam Eig must be controlled by a overpass with access roads so that the red light can be removed.



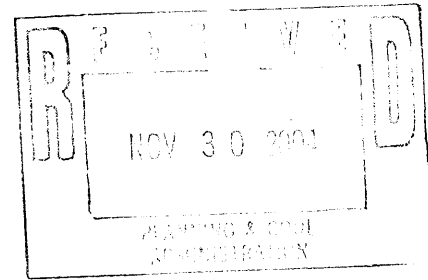
3.. Fields Road Elementary School must be enlarged to reduce the requirement for portable classrooms.

4.. An offer must be made to the Muddy Branch Shopping Center to go 50-50 to build a parking building to allow 200 additional parking spaces. This must be a 5 year option for the shopping center.

Sincerely,

Stephen A. Morton III

**Ref: Annexation of land parcels P-458 & P-619 File# X-181**  
**Location: Sam Eig Highway & Diamondback Drive**



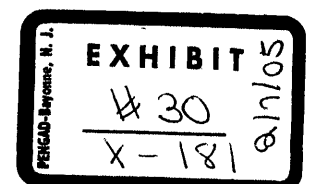
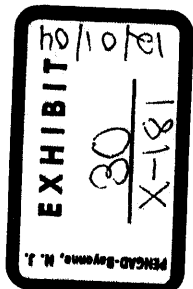
**Dear Members:**

**I** have lived in Montgomery County since 1950. My parents moved into the post-war housing of Veirs Mill Village after my dad was released from the Army. As this area became more and more congested, we moved to the brick ramblers being built around a new Wheaton High School. After graduation in 1962, I got married, and served overseas in the Navy and Marine Corps during the Vietnam crisis. When the dust had settled, and I was released from the hospital, my wife and I had a few dollars and a V.A. loan to buy our first house...a modest little place in Twinbrook. It was now 1972. We raised our kids there. It was nice. But, Rockville didn't stay quiet or even suburban for long. Every square inch of land was being developed, traffic became gridlock. In 1985, we moved to what was then a quiet little spot in Crestfield Estates, in the Washingtonian Village area. Our new address: # 7 Norwich Court. It was perfect. We were bordered by the Washingtonian Golf Course, and the beautiful expanse of farmland across the way.

It's now almost 20 years later. The golf course is no more. Our view of farmland has now been replaced by a long string of townhouses along Fields Rd, the RIO shopping complex, and the never-ending noise of cars streaming along Sam Eig Highway. Despite promises of a nice sound barrier wall, the squat little thing we got, does nothing to filter out the screeching tires, or the multiple gear changes by trucks starting out at the traffic light by Fields Rd.

We are now the only single-family housing development in the area. We are surrounded by townhouses, and the traffic continues to increase exponentially each year. All the vehicles in this area coming from Muddy Branch Rd. and Great Seneca Highway funnel through our neighborhood to get onto I-270 by way of Sam Eig Highway. A new project seems to go up on a regular basis along Great Seneca Highway, along with a new traffic light. Most of these residents make use of Muddy Branch or Sam Eig, to get onto I-270. This bottleneck has resulted in commuter headaches for everyone.

When I heard that the only "bare" pieces of land left on our side of Sam Eig might be re-zoned for more townhouses, I almost fell over. Parcel #P-458 has been our only buffer from the increasing crush of development around us. A place to throw a frisbee in the summer and go sledding in the winter. I know change is inevitable. I'm hoping, at least, that you will allow the change to be subtle and carefully thought out. If more development is needed, which I feel is not the case, please



consider leaving the zoning as it is, so that more single-family homes can be built in this area. If not from an aesthetic point of view, please realize that 80, or so, more townhouses, and the traffic that will bring, will increase the gridlock already being felt during peak hours at the traffic lights of:

1. Great Seneca/Muddy Branch
2. Great Seneca/Sam Eig
3. Sam Eig/Diamondback
4. Sam Eig/Fields Rd.
5. Diamondback/Story Drive
6. Muddy Branch/Diamondback

And as a reminder, it can't help but have an impact on Fields Road Elementary and the tiny, but already over-crowded, Muddy Branch Shopping Center that serves our neighborhood.

I apologize if I've sounded like a whining little kid, but I've seen my quiet little neighborhood slowly becoming what I left in Rockville. I would hope the council could see fit to either allow no further development on the two parcels of land #P-458 & #P-619, File # X-181 "Crown Farm Point," or at least leave the "low-density" zoning as it is. We would reluctantly welcome single-family homes on land parcel #P-458 as an alternative choice. Thanks for your time and consideration.

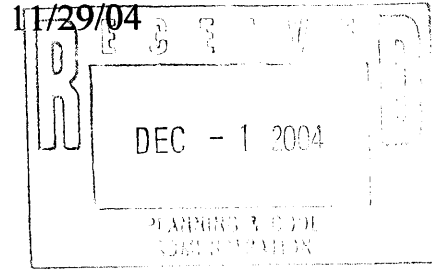
Sincerely,

Doug and Judy Ireland  
#7 Norwich Court  
Gaithersburg, Md. 20878

Gaithersburg Mayor and City Council

31 South Summit Ave.

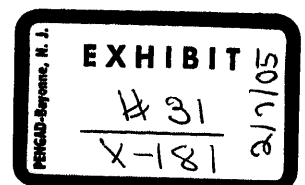
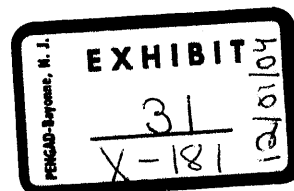
Gaithersburg, MD 20877



We have been informed that there will be town homes built on the farmlands. My family and I have lived on Crown Farm for the past 9 years, on 1 Gibson Place and in Montgomery County for the past 17 years and we are very concerned and would not agree with the building of town homes in our area. There are already many town homes that surround the Clown Farm area, and by building more town homes the traffic, which is already high between Diamond back Dr. and Sam Eig Highway, will increase. There should be an argument on how to decrease traffic not increase it. Please take into consideration towards the residents who have lived in this area for years and how this action would affect them and the neighborhood. Thank you

Clown Farm residents: Ali Tahriri and Farzaneh Vassef

*Ali Tahriri - Farzaneh Vassef*  
*11.29.04 11-29-04*



11/29/04

Montgomery County Planning Board

31 South Summit Ave.

Gaithersburg, MD 20877

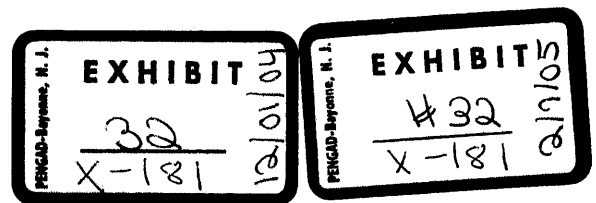
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Clown Farm residents: Ali Tahriri and Farzaneh Vassef

*Ali Tahriri - Vassef*

*11-29-04*

*11-29-04*



**Trudy Schwarz - Annexation of Two Posted Crown Family Properties-Corner of Sam Eig & Diamondback**

---

**From:** "Jim Michalowski" <jim\_michalowski@hotmail.com>  
**To:** <plancode@gaithersburgmd.gov>  
**Date:** 12/01/2004 8:54 AM  
**Subject:** Annexation of Two Posted Crown Family Properties-Corner of Sam Eig & Diamondback

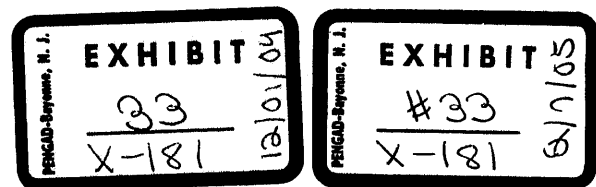
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We strongly object to any residential development of these two properties that would increase the current zoning of five single family detached homes per acre to a higher density.

This area is saturated with high density housing and Greater Neighborhood III does not need any more traffic congestion and related problems.

**We strongly advise you not to support any action that would increase the density of the above properties.**

Jim Michalowski  
Gaithersburg, MD





**From:** "Mark Hackman" <mhackman@erols.com>  
**To:** <plancode@gaithersburgmd.gov>, <cityhall@gaithersburgmd.gov>  
**Date:** 12/01/2004 12:44:41 AM  
**Subject:** ANNEXATION X-181 Crown Farm Point

To the Attention of:

The City of Gaithersburg - Planning Commission

The City of Gaithersburg - Mayor and City Council

Mr. Derick Berlage, Chairman, Montgomery County Planning Board

The Montgomery County Council:

Michael Subin, President

Phil Andrews

Nancy Floreen

Michael Knapp

George Leventhal

Thomas Perez

Marilyn Praisner

Steve Silverman

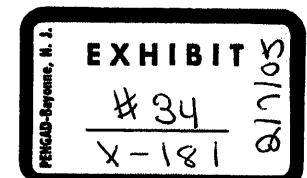
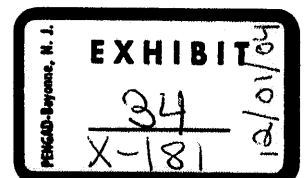
My name is Mark Hackman, I live at 64 Appleseed Lane, Gaithersburg, Maryland 20878. I am writing this e-mail as the President of the Shady Grove Village III Homeowners Association, Board of Directors.

The purpose of this letter is to express my community's concerns regarding the proposed Annexation Agreement X-181, for the land known as Crown Farm Point located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive. This land is currently owned by Lorraine Crown, Charles O. Crown, and Catherine V. Stinson.

The subject property is currently located within the jurisdiction of Montgomery County; however the land owners have expressed an interest in annexing the land into the City of Gaithersburg because they believe that the City of Gaithersburg will amend the current Montgomery County R-200 zoning with a TDR-5 overlay, to a City of Gaithersburg, RP-T (Medium Density Residential) zone that will allow the contract purchaser, North Gaithersburg Investment, LLC to build approximately 80 townhouses on this 13.18 acres parcel of land.

The City of Gaithersburg, Greater Neighborhood III already has one of the highest ratios of townhouses to single family detached homes within the City of Gaithersburg. The homeowners in my community and the citizens in Greater Neighborhood III are concerned that the current infrastructure will not support another medium density development, in addition to a proposed 850,000 square feet of speculative office space that is proposed for the Washingtonian North Property. According to the Schematic Development Plan approved by the Mayor and City Council, the Washingtonian North property development will generate another 3000-3400 cars on Sam Eig Highway and the Diamond Interchange.

Our streets are already overburdened with traffic, Fields Elementary School is over capacity and they must use portable classrooms to accommodate the extra students. Parking at the Muddy Branch Shopping Center and the Rio Center is problematic because of the excess number of cars that are already attempting to access this part of the City of Gaithersburg.



In March of 2001, I went to Gaithersburg City Hall and acquired the plans for the Diamond Interchange. Two Civil Engineers that live in my community, the Secretary for our HOA Board and I, took valid measurements regarding the Diamond Interchange to show the City of Gaithersburg that the Diamond Interchange on Sam Eig Highway was not built as designed. Initially the City of Gaithersburg denied our claims that the Diamond Interchange was not built as designed and asked me to write to the Montgomery County Department of Public Works and Transportation (DPWT) Department, since Mr. Ollie Mumpower with the Gaithersburg Department of Public Works, stated in a Public Hearing that the Diamond Interchange was approved by the State of Maryland and Montgomery County.

During April of 2001, I wrote a letter to Ms. Jean Chait and the former Director of the DPWT stating that the Diamond Interchange not being built as designed. After waiting over a year for the Montgomery County Department of Public Works and Transportation to respond to my letter; Mr. Edgar Gonzalez, Deputy Director for Transportation Policy, called me and stated the Montgomery County DPWT, never approved the plans for the Diamond Interchange. Mr. Gonzalez sent me a letter to the City of Gaithersburg requesting that the land developer (Washingtonian North Associates LLC) perform another traffic study to determine if Diamond interchange was sufficient to support the development that had already occurred (or was currently planned at the time) for the south side of Sam Eig Highway in what is known as the Rio Center, not to mention the proposed 850,000 square feet of speculative office space that is proposed for the Washingtonian North Property, which would cause another 3000-3400 cars per day to use Sam Eig Highway and the Diamond Interchange in order to access the Washingtonian North Property.

There have been numerous accidents on Sam Eig Highway on or near the Diamond Interchange and intersection of Field Road and Sam Eig Highway. The two civil engineers that studied the Diamond Interchange expressed the following concerns to the City of Gaithersburg and the Montgomery County DPWT.

1. The Traffic study was performed for a single use (monolithic) Business Campus that was originally intended to be the corporate headquarters for the Manugistics Corporation. When the Manugistics plan failed, the developer (Boston Properties) proposed a multi tenant speculative office park.
2. The traffic counts in the traffic study were based on numbers generated in 1993 and 1994.
3. The Traffic Study was based upon an assumption that only 6% of the traffic would be coming from Rockville Pike (a.k.a. Route 355). Later in the study they projected that 25% of the traffic would come from Rockville Pike.
4. No future traffic volumes were given for the Fields Road Intersection
5. No future intersection analysis was performed for the Fields Road Intersection
6. No weave/merge pattern analysis was performed for the Diamondback Intersection and Sam Eig Highway
7. The weave/merge distance from the 355 off ramp onto Sam Eig Highway and the Diamond Interchange were less than 50% of what was in the original design

The current weave/merge pattern east of the Diamond Interchange as you approach the Diamondback Road turn off is just plain dangerous. Cars traveling east down the Diamond Interchange off-ramp are attempting to merge

left onto Sam Eig Highway while the cars that are traveling east on Sam Eig Highway attempt to merge right, so that they can turn onto Diamondback Road. I experience this traffic insanity on a daily basis as a return home from work. If the X-181 annexation agreement is passed, this will only create more traffic on infrastructure that is currently overburdened and failing.

I respectfully request that the Montgomery County Council and the Montgomery National Capital Park and Planning Commission write a letter expressing their concerns to the City of Gaithersburg Planning Commission and the Mayor and City Council regarding their desire to rezone the Crown Point Land from a Montgomery County R-200 zoning to a City of Gaithersburg RP-T zoning. The Greater Neighborhood III community infrastructure cannot support the extra traffic that would be generated by a medium density development, not to mention the proposed 850,000 sq. ft. of office space that is currently approved for the Washingtonian North Property.

I would also like to request that a member of the Montgomery County Council and/or a member of the Montgomery National Capital Park and Planning Commission appear at tomorrows (December 1, 2004) Planning Commission Meeting to voice your concerns over the proposed annexation agreement. If either the County Council or the Montgomery National Capital Park and Planning Commission decide to send a letter to the City of Gaithersburg, I request that I receive a copy of said letter.

To the City of Gaithersburg, I request that a copy of this e-mail become part of the public record regarding the X-181 Annexation Plan.

Thank you for your attention to this important matter.

Sincerely yours,

Mark Hackman  
President  
Shady Grove Village III Homeowners Association  
Board of Directors  
Tel: 301-947-8000

**CC:** <mcp-chairman@mncppc-mc.org>, <county.council@montgomerycountymd.gov>,  
<Councilmember.subin@montgomerycountymd.gov>,  
<Councilmember.Andrews@montgomerycountymd.gov>



# Intersection Analysis

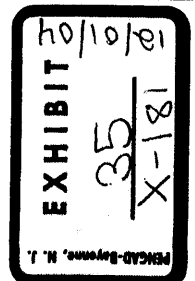
## Possible Grade Separations

Following is a discussion of each intersection proposed to be grade-separated and a possible and feasible design. The schematic designs are illustrative only, since final design requires field study and survey. The design and proposed configuration may change as the result of this further study. Also, this study may indicate that equivalent at-grade solutions may work and are more appropriate. However, in all cases, the basic objective is to facilitate through movements.

### a. Fields Road/Sam Eig Highway:

The potential grade separation of Fields Road would be at the southern intersection of Fields Road with Sam Eig Highway and should be done only in conjunction with the extension of Louis Sullivan Drive. The proximity of developed subdivisions and local streets north of Sam Eig Highway severely restricts the space for interchange design at this location. Therefore, the most feasible design option appears to be an urban diamond interchange with Fields Road passing over Sam Eig Highway and ramp connections on all four quadrants from Sam Eig Highway to Fields Road. This would permit free flow on Sam Eig Highway. The northern intersection of Fields Road may have to be closed to permit adequate space for this design. The extension of Louis Sullivan Drive would, in essence, connect the terminus of this section of Fields Road directly to the interchange. This design treatment will significantly improve traffic flow on Sam Eig Highway by removing at-grade intersections without serious detriment to local access. (See Figure A.1, page 142.)

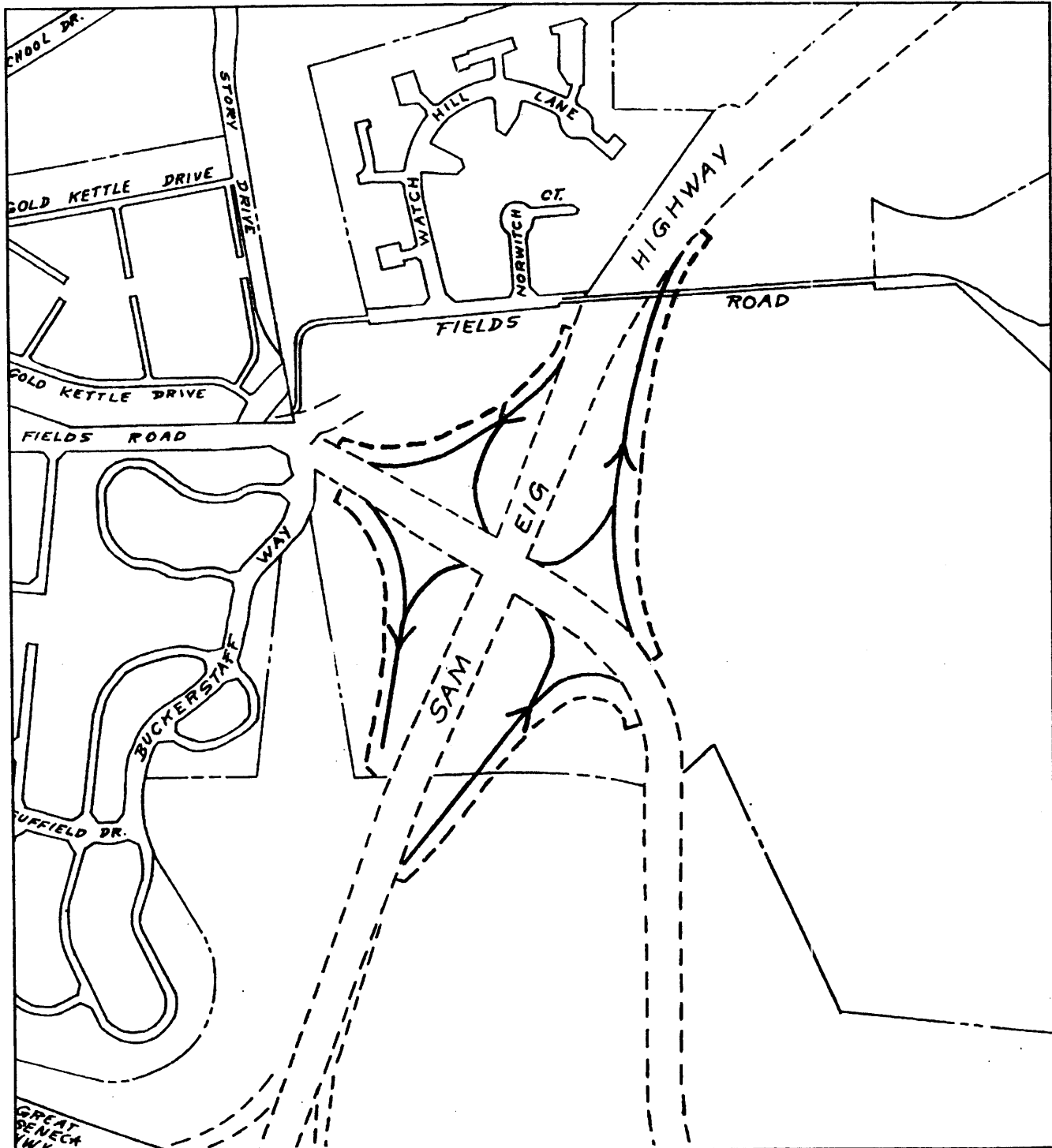
Future consideration of implementation of this proposed grade separation must include or be preceded by a traffic analysis to determine the desirable interchange design characteristics and impacts on local, through, and area-wide traffic, if any. This analysis would take into account



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# Schematic Grade Separation Proposal: Sam Eig Highway and Fields Road

Figure A.1



**ILLUSTRATIVE ONLY: FURTHER STUDY MAY MODIFY  
FINAL DESIGN SUBSTANTIALLY**

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projected traffic from committed and approved development, and development allocated by Stage III of the 1985 Gaithersburg Vicinity Master Plan, and related scheduled public or private transportation improvements. The interchange improvement should only be implemented to the extent that it provides a net positive benefit to the transportation system. However, reasonable and diligent efforts should be made to minimize specific circulation or access impacts on any nearby individual development or developer.

**b. Key West Avenue/Great Seneca Highway:**

The ability to provide a grade separation with an interchange configuration at Key West Avenue and Great Seneca Highway is limited by existing and proposed development east of Great Seneca Highway and due to the proximity of Decoverly Drive. Since this is a key intersection for both automobile traffic and transit, grade separation is recommended. This would remove conflicts between opposing through traffic and permit turn movements via connecting ramps. (See Figure A.2, page 144.)

**c. Great Seneca Highway/Muddy Branch Road:**

This intersection is highly constrained by adjacent development in the city of Gaithersburg. However, to facilitate the transitway, the Plan recommends this location as a grade separation for transit only. This is proposed to consist of the transitway passing over or under the intersection within the right-of-way of the roadway.

**d. Great Seneca Highway/Shady Grove Road and Ritchie Parkway:**

Consistent with the recommended changes in the alignment of Great Seneca Highway and Darnestown Road through this area, grade separation is recommended at Shady Grove Road and Ritchie Parkway. The design of the interchange of these roadways is to accommodate movement between Great Seneca Highway and both Ritchie Parkway and Darnestown Road. This configuration must also include space for the transitway along Darnestown Road. (See Figure A.3, page 145.)